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BAGIMOND'S ROLL FOR TEVIOTDALE ARCHDEACONRY

LAUDERDALE CORRESPONDENCE

LETTERS OF ALEXANDER MONRO

JACOBITE PAPERS AT AVIGNON

MARCHMONT CORRESPONDENCE RELATING TO THE '45

TWO FRAGMENTS OF AUTOBIOGRAPHY OF EARL MARISCHAL KEITH

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MISCELLANEOUS CHARTERS

1315-1401

Edited from transcripts in the Collection of the late Sir William Fraser, K.C.B., LL.D., with Abstracts and Illustrative Notes, by

WILLIAM ANGUS

INTRODUCTION

In the fourth volume of the Society's *Miscellany* there were printed transcripts of a number of charters from the Collection of the late Sir William Fraser, K.C.B., LL.D., preserved in H.M. General Register House. These covered the period 1165-1300, and the charters here printed are a further selection for the period 1315-1401. Two of them (Nos. 5 and 6) have already been printed by Father Hay in his *Genealogie of the Sainteclaires of Rosslyn*, but as there are a number of obvious mistakes in his text it was thought desirable to print Fraser's more accurate version, and at the same time, as Father Hay's work is scarce, make the charters more accessible to students. Where possible, the transcripts have been collated with the originals or with other copies, but some doubtful readings remain. Corrections and suggested emendations will be found in the text and in the Notes.

I desire to express my indebtedness to my colleague, Mr. H. M. Paton, who has read the text and the Notes, and to my friends Mr. James Beveridge, M.A., and Mr. A. Cameron Smith, M.A., for many valuable suggestions.

WILLIAM ANGUS.

MISCELLANEOUS CHARTERS, 1315-1401

(1)

Charter by Thomas Randolph, Earl of Moray, to Sir Adam Gordun, Knight, and his Son, of the lands of Stitchell; undated, but *circa* 1315. (Original in Stitchel Charter Chest.)

Omnibus hanc cartam visuris vel audituris Thomas Ranulphi comes Morauie salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse domino Ade de Gordun militi pro homagio et seruitio suo totam terram nostram et tenementum nostrum de Stitchill cum pertinentiis sine aliquo retinemento: Tenendam et habendam predicto domino Ade et Willielmo filio suo et heredibus dicti Willielmi de nobis et heredibus nostris in feodo et hereditate in pratis pascuis pasturis moris mariisiis stagnis aquis molendinis turbariis petariis viis semitis et lapicidiis et cum omnibus commoditatibus libertatibus asiamentis et pertinentiis suis in omnibus et per omnia tam non nominatis quam nominatis ad dictam terram et pertinentum [*rectius* tenementum] pertinentibus vel aliquo iure pertinere valentibus: Reddendo inde nobis et heredibus nostris annuatim ad Pentecosten vnum par calcarium deauratorum tantum et faciendo inde domino nostro regi et heredibus suis seruitium debitum et consuetum quantum pertinent ad dictam baroniam [*sic*]: Nos vero Thomas Ranulphi comes Morauie et heredes nostri dicto domino Ade et Willielmo filio suo et heredibus dicti Willielmi totam predictam terram et tenementum de Stitchill cum pertinentiis suis in omnibus et per omnia vt predictum est contra omnes homines et feminas warantizabimus acquietabimus et imperpetuum defendemus: In cuius rei testimonium presenti carte sigillum nostrum fecimus apponi; hiis testibus domino Jacobo de Douglas domino Alexandro Seneschalli domino Roberto de Keth domino Edwardo de Letham

domino Henrico de Halibortun domino Johanne de Laundelis Roberto de Lawedir clerico Johanne de Kalabec et aliis.

Seal detached.

(*Abstract.*)

THOMAS RANDOLPH, Earl of Moray, makes known that he has granted to Sir Adam Gordun, knight, for his homage and service, his (the granter's) whole land and tenement of Stitchill with pertinents: To be held by Sir Adam and William, his son, and the heirs of the said William, *de nobis* in fee and heritage, rendering therefor yearly to the granter at Whitsunday a pair of gilt spurs and to the King the service used and wont pertaining to said barony (*sic*).

(2)

CHARTER BY ROBERT I. confirming the preceding Charter, 28 June 1315. (Original in Stitchel Charter Chest.)

Robertus Dei gratia Rex Scottorum omnibus probis hominibus totius terre sue salutem: Sciatis nos concessisse et hac presenti carta nostra confirmasse donationem illam quam Thomas Ranulphi comes Morauie fecit Ade de Gordoun militi de tota terra et tenemento de Stitchill cum pertinentiis: Tenenda et habenda predicto Ade et Willielmo filio suo et heredibus dicti Willielmi de prefato Thoma et heredibus suis in feodo et hereditate per omnes rectas metas et diuisas suas adeo libere quiete plenarie et honorifice cum omnibus libertatibus commoditatibus aisiamentis et iustis pertinentiis suis sicut carta prefati Thome eisdem Ade et Willielmo filio suo inde facta plenius iuste proportat et testatur saluo seruitio nostro: In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi; testibus Bernardo abbate de Abirbrothock cancellario nostro Gilberto de Haya Alexandro Senescalli Willielmo Olifaunt et Malcolmo de Innerpephry militibus: Apud Perth xxviij^{o} die Junij anno regni nostri decimo.

Part of seal remains entire.

(*Abstract.*)

ROBERT, King of Scots, makes known that he has confirmed the preceding charter: To be held as the said charter proports and testifies, saving the service due to the King.

(3)

CHARTER BY DUNCAN, EARL OF FIFE, TO JOHN MONYPENNY of the lands of Rothmelry and others; undated, but *circa* 1320. (Original *penes* Thomas Yule, W.S.)

Omnibus hanc cartam visuris vel audituris Duncanus comes de Fyf salutem in domino: Noueritis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Johanni Monipeny et heredibus suis et eorum assignatis pro homagio et seruicio suo totam terram de Rothmelry quam Johannes de Rothmelry quondam tenens noster predicte terre nobis in plena curia nostra tenta apud Ladefferne per fustum et baculum sursum reddidit in manu nostra una cum duabus marcis annuis nobis inde debitis necnon totam terram de le Hyltoun iuxta Rothmelry iacentem cum omnibus suis pertinenciis et antiquis metis rectis et diuisis commoditatibus et appruamentis predictarum terrarum videlicet pratis moris marisiis molendinis piscariis nemoribus bracinis stagnis aquis pasturis viis semitis cum omnibus libertatibus et aysiamentis ad dictas terras spectantibus seu quoquomodo spectare valentibus in futurum tam non nominatis quam nominatis; insuper et cum omnibus communibus aysiamentis in nostris moris et marisiis de Drumy et de Catyll tam in pastura communi quam in aliis quibuscumque: Volumus et concedimus quod dictus Johannes Monypeny heredes sui et eorum assignati hominesque illorum supradictas terras inhabitantes quociens ad molendinum nostrum de Catyll blada sua molere voluerint libere suis locis hoc facere valeant unam soluendo ferlotam pro celdra qualibet dumtaxat qualiscumque bladi fuerit absque alia exactione quacumque: Tenendas et habendas predictas terras predicto Johanni heredibus suis et eorum assignatis de nobis et heredibus nostris libere quiete plenarie et honorifice bene et in pace: Reddendo nobis et heredibus nostris sepedictus Johannes et heredes sui ac eorum assignati duos denarios usualis monete singulis annis in festo Pentecostes

apud Rothmelry nomine albe firme si tunc legittime exigatur pro omni alio seruicio seculari exactione et demanda que de predictis terris exigi poterunt quoquomodo expresse nominatis in presenti carta dumtaxat exceptis saluo forinseco seruicio domini nostre regis quantum ad predictas terras de iure dinoscitur pertinere : Nos uero et heredes nostri dictas terras de Rothmelry cum duabus marcis annuis predictis nobis inde consuetis debitis et de le Hyltoun in omnibus suis modis et punctis prius expressis prefato Johanni Monypeny heredibus suis et eorum assignatis contra omnes homines et feminas warandizabimus acquietabimus et in perpetuum defendemus : In cuius rei testimonium presenti carte sigillum nostrum fecimus apponi : hiis testibus Domino Johanne Dei gracia priore Sancti Andree Dominis David de Lyndesay Michaele de Wemys David de Wemys et Michaele de Balwery militibus et multis aliis.

(*Abstract.*)

Duncan, Earl of Fyf, makes known that he has granted to John Monipeny and his heirs and assignees (1) the whole land of Rothmelry, which John of Rothmelry, his former tenant of said lands, resigned into his hands in a full court held at Ladefferne, with two merks due annually to him therefrom ; (2) the whole land of Hylton lying next Rothmelry with all its pertinents ; and (3) all common easements in the granter's moors and marshes of Drumy and Catyll, as well in common pasturage as in other things whatsoever : Moreover, he wills and grants that Monipeny and his heirs and assignees and their men inhabiting said lands, as often as they wish to grind their corn at his mill of Catyll, may do so, in their turn paying a firlot for each chalder : To be held of the granter for payment at Rothmelry of two pennies yearly at Whitsunday in name of blench ferm for all other services which could be demanded for said lands, with the exception of those expressly mentioned in the charter, saving the forinsec service due to the King so far as it is known to pertain to said lands by law.

(4)

Charter by Walter, Steward of Scotland, to John St. Clair, his Valet, of the lands of Maxtone ; undated, but *circa* 1320-1326. (Original in Register House.)

Omnibus hanc cartam visuris vel audituris Walterus senescallus Scocie salutem in Domino sempiternam ;

Noueritis nos pro nobis et heredibus nostris concessisse dedisse et hac carta nostra confirmasse Johanni de Sancto Claro valleto nostro et heredibus suis pro homagio et seruicio suo omnes terras nostras dominici nostri de Maxtona : Tenendas et habendas eidem Johanni et heredibus suis de nobis et heredibus nostris in feodo et hereditate in perpetuum libere quiete pacifice integre et honorifice cum omnibus pertinenciis exceptis terris husbandorum libertatibus comoditatibus et aysiamentis ad dictas terras dominicas pertinentibus seu iuste pertinere valentibus et cum libero introitu et exitu : Reddendo inde annuatim ipse Johannes et heredes sui nobis et heredibus nostris vnum denarium argenti tantum si petatur ad festum Pentecostes pro wardis releuiis maritagiis scctis curiarum et omnibus oneribus seruiciis exaccionibus et demandis quc per nos et heredes nostros de dictis terris quocunque modo exigi poterunt et requiri : Nos vero Walterus et heredes nostri dictas terras dominicas in omnibus articulis sicut prescriptum est dicto Johanni et heredibus suis contra omnes homines et feminas imperpetuum warantizabimus acquietabimus et defendemus : In cuius rci testimonium sigillum nostrum presenti carte fecimus apponi ; hiis testibus dominis Roberto de Lauwedir tunc justiciario Laudonie Eustachio de Maxwell Thoma de Someruilla Alexandro de Setona Jaceto de Scheringlaw Henrico de Balliolo militibus Ricardo de Rotherford Eustachio de Loreyn et aliis multis.

(*Abstract.*)

Walter, Steward of Scotland, makes known that he has granted and confirmed to John St. Clair, his valet, for his homage and service, the whole lands of the lordship of Maxtone : To be held of the granter in fee and heritage with all pertinents (excepting the husband lands), liberties, commodities, and easements pertaining to said lands for payment of a silver penny at Whitsunday, if asked only, for ward, relief, and other services which could be exacted and required therefrom.

(5)

INDENTURE BETWEEN GILBERT GARDIN OF GOUERTOUN AND EUSTACIA, HIS SPOUSE, AND SIR HENRY ST. CLAIR, KNIGHT, for the sale to Sir Henry of the marriage of their son Mathew, 22 July 1328. (Original in Crookston Charter Chest.)

Anno gracie millesimo tricentesimo vicesimo octavo die Veneris in festo Sancte Marie Magdalene apud Roselyne in presencia venerabilis patris Wilelmi Dei gracia episcopi Dunkeldensis ita conuenit inter Gilbertum de Gardino dominum medietatis tenementi de Gouertoun et Eustauciam sponsam eius ex parte vna et dominum Henricum de Sancto Claro militem ex altera videlicet quod dicti Gilbertus et Eustaucia vnanimi concensu et ascensu concesserunt et vendiderunt maritagium Mathei filii sui et heredis domino Henrico de Sancto Claro vnacum medietate terre partis orientalis de Gouertounlaw cum pertinenciis et libertatibus dicte terre pertinentibus pro sustentacione sua pro quadam summa pecunie quam idem dominus Henricus dictis Gilberto et Eustaucie numerauit et tradidit in sua necessitate premanibus videlicet viginti tres libras sex solidos et octo denarios ad maritandum dictum Matheum vbicunque sibi viderit expedire sine dispergacione: Et si contingat dictum Matheum mori antequam heredem de se procreatum habuerit volunt et concedunt dicti Gilbertus et Eustaucia quod dictus dominus Henricus habeat Thomam filium suum heredem propinquiorem eadem forma ad maritandum et sic de singulis heredum suorum cuiuscunque seminis fucrint quocienscunque humaniter eis contigerit abesse quousque tenementum de Gouertoun legitimo et vero herede fuerit infeodatum: Et ad istam conuencionem fideliter sine dolo fraude vel malo ingenio in omnibus conseruandam dicti Gilbertus et Eustaucia fidem corporalem in manu domini Walteri de Hobborn capellani prestiterunt: Et si contingat illos

vel aliquem illorum contra istam conuencionem in toto vel in parte devenire ita quod dictus dominus Henricus vel heredes sui aut exsecutores impediantur extunc dicti Gilbertus et Eustaucia obligant se esse daturos fabrice ccclesie Sancti Andree viginti libras sterlingorum quociens reperti fuerint huius conuencionis violatores subicientes illos nichilominus iurisdictioni episcopi Sancti Andree vel eius officialis qui pro tempore fuerit vt possit dictos Gilbertum et Eustauciam de die in diem per sensuram ecclesiasticam cohercerc ad obseruacioncm tenoris conuencionis predicte et insuper ad penas leuandas: In cuius rei testimonium parti huius indenture penes dictos Gilbertum et Eustauciam remancnti sigillum dicti domini Henrici est appensum alteri uero parti penes dictum dominum Henricum remanenti sigilla dictorum Gilberti et Eustaucie vna cum sigillo domini Wilelmi abbatis de Neubotill sunt appensa data die loco et anno suprascriptis.

(*Abstract.*)

At Roselyne on Friday the feast of St. Mary Magdalen (22 July) 1328, it is agreed, in presence of William, bishop of Dunkeld, between Gilbert Gardin, lord of one-half of the tenement of Gouertoun, and Eustacia, his spouse, on the one part, and Sir Henry St. Clair, knight, on the other part, as follows:—The said Sir Gilbert and Eustacia, in consideration of the sum of £23, 6s. 8d. paid to them beforehand in their necessity by Sir Henry, have sold to him the marriage of their son and heir Mathew, together with one-half of the east part of Gouertounlaw; and if it should happen that the said Mathew dies before he has an heir, they grant that Sir Henry shall have the marriage of Thomas, their son and next heir, and so with each heir until their issue is exhausted and an heir is lawfully and truly infeft in the tenement of Gouertoun: Further, in order to preserve faithfully this agreement, they gave their bodily faith in the hands of Sir Walter Hobborn, chaplain, and obliged themselves, should they contravene the agreement in whole or in part, to give £20 sterling to the fabric of the church of St. Andrews as often as they shall be found to be violaters of it, subjecting themselves to the jurisdiction of the bishop of St. Andrews or of his official, who may compel them by ecclesiastical censures to observe the agreement and moreover may levy penalties. There is appended to the part of the Indenture remaining with the said Gilbert and Eustacia the seal of Sir Henry, and to his part, their seal, together with the seal of William, abbot of Neubotill,

(6)

PRECEPT BY ROBERT I. ordaining his chamberlain to pay to Sir Henry St. Clair, knight, 40 merks annually, 27 December 1328. (Original in Crookston Charter Chest.)

Robertus Dei gracia Rex Scottorum camerario suo Scocie qui pro tempore fuerit salutem: Quia concessimus Henrico de Sancto Claro militi dilecto et fideli nostro et heredibus suis quadraginta marcas annuatim percipiendas per camerarium nostrum qui pro tempore fuerit donec sibi vel heredibus suis satisfactum fuerit de quadraginta marcatis terre vel de quadringentis marcis sterlingorum per nos vel heredes nostros: vobis precipiendo mandamus quatinus dicto Henrico et heredibus suis singulis annis ad duos anni terminos dictas quadraginta marcas prout est supradictum persoluatis quas vobis singulis annis in compotis vestris volumus allocari: In cuius rei testimonium presentibus literis sigillum nostrum fecimus apponi: Apud Forffar vicesimo septimo die Decembris anno regni nostri vicesimo tercio.

(*Abstract.*)

ROBERT, King of Scots, commands his chamberlain to pay to Henry St. Clair, knight, and to his heirs the sum of forty merks annually, to be uplifted by the chamberlain until the said Henry St. Clair or his heirs shall be satisfied by the King or his heirs of 40 merks of land or of 400 merks sterling; and he wills that his chamberlain receive allowance for said sum annually in his accounts.

(7)

CHARTER BY THOMAS SYBBALDE OF BALGOUENY TO EVA, HIS DAUGHTER, AND PETER OF BALFUR, HER SPOUSE, of the land of Dovyn; undated, but *circa* 1320. (Original at Balbirnie.)

Uniuersis Christi fidelibus hanc cartam visuris vel audituris Thomas Sybbalde dominus de Balgoueny salutem in Domino: Nouerit vniuersitas vestra me dedisse con-

cessisse et hac presenti carta mea confirmasse Eue filie mee et Petro de Balfur sponso suo et heredibus suis inter ipsos matrimonialiter procreatis totam terram meam de Dovyn tam in orientali parte quam in occidentali parte cum quodam tenente meo libero cuiusdam terre que vocatur Estir Dovyn infra dictum tenemcntum ad dictam terram pertinente cum omnibus pertinenciis libertatibus et asiamentis ad dictam terram spectantibus seu quoquo iure pertinere valentibus: Tenendam et habendam ipsis vel alteri eorum qui pro tempore diucius vixerit et heredibus suis de corporibus suis procreatis de me et heredibus meis in feodo et hereditate libere plene honorifice et in pace in bosco et plano in pascuis et pasturis in moris et mariseis in pratis et molendinis in aquariis et viuariis in viis et semitis et in omnibus aliis locis et asiamentis per suas rectas diuisas et antiquas metas et perambulaciones inter campos ville vicinos cuicumque [*sic*]: Faciendo inde michi et heredibus meis pro omni seruicio seculari exaccione et demanda seruicium vnius architenentis et tres sectas curie mee de Balgoueny ac fidelitatem tantum saluo seruicio forinseco domini regis pertinente ad tantam terram: Volo eciam et concedo pro mc et heredibus meis quod dicti Eua et Petrus ac heredes sui de corporibus suis procreati sint quieti et liberi de warda et releuio de homagio et maritagio nichil petendo de dictis Eua et Petro et heredibus suis nisi tantummodo seruicium predictum: Et si contingat dictum Petrum ex corpore dicte Eue nullum heredem procreare quod absit volo quod dicta Eua et heredes sui de corpore suo per quemcumque alium matrimonialiter procreati seu procreandi dictam terram de Douyn cum omnibus pertinenciis vt predictum est de mc et heredibus meis teneant hereditarie: Ego uero et heredes mei dictam terram cum pertinenciis vt predictum est dictis Eue et Petro et hcredibus de dicta Eua procreatis modo quo predicitur contra omnes homines et feminas imperpetuum warantizabimus et defendemus: In cuius rei testimonium huic carte sigillum meum apposui; hiis testibus domino Alano abbate de Balmurynach dominis Michaele de Wemys et Dauyd de

Wemys militibus domino Johanne de Douery rectore ecclesie de Creycht Malcolmo de Balneward Malcolmo de Ramesai de Balcurvay Alexandro de Betun et multis aliis.

(*Abstract.*)

Thomas Sybbalde, lord of Balgoueny, makes known that he has granted and confirmed to Eva, his daughter, and Peter Balfur, her spouse, and to the heirs lawfully procreated by their marriage, his whole land of Dovyn, as well the east part as the west part, with his franktenement of the land which is called Estir Dovyn pertaining thereto: To be held by them or by the longer liver, and the heirs procreated of their body, of the granter, for the service of an archer and for three suits at his court of Balgoueny, saving the forinsec service due to the King for said lands. He wills that the said Eva and Peter and the heirs of their body be quit and free from ward relief and other services, and in the event of there being no heirs of their marriage, he wills that the said Eva and the heirs procreated of her body by any other marriage shall hold the said land of Dovyn of him and his heirs heritably.

(8)

Renunciation by Hugh of Musbrigh in favour of Sir William Levyngestoun, knight, of his right to the lands of Musbrigh, 24 October 1334. (Original in Duntreath Charter Chest.)

Nouerint uniuersi per presentes me Hugonem de Musbrish [*rectius* Musbrigh] nepotem et heredem Stephani de Musbris [*rectius* Musbrigh] quondam domini de eodem relaxasse et omnino pro me et heredibus meis quietumclamasse domino Willclmo de Leuyngestoun militi heredibus et assignatis suis totum ius et clameum que habui uel aliquo modo habere potui in terris et tenementis de Musbris [*rectius* Musbrigh] cum suis pertinenciis iacentibus infra vicecomitatum dc Lanarc: quas terras et tenementa dictus Stephanus auunculus meus in sua legitima potestate vendidit dominc Elene de Carantelic et heredibus et assignatis suis prout in carta sua eidem domine Helene inde confecta plenius continetur: Nichil iuris vel clamei michi Hugoni vel heredibus meis imposterum in dictis terris et tenementis cum suis pertinenciis aliquo modo

vendicando vel retinendo imperpetuum: In cuius rei testimonium sigillum meum presentibus apposui et sigillum commune burgi de Lanarc presentibus apponi procuraui; hiis testibus dominis Godefrido de Ros Simone Loccard Johanne Loccard militibus Mauricio de Morrauia tunc vicecomite de Lanarc Gilberto Clerico Augustino de Lanarc Galfrido Duneys et multis alijs: Datum apud Lanarc die Lune proxima post festum Sancti Luce Ewangeliste anno gracie millesimo trecentesimo trecesimo quarto.

(*Abstract.*)

Hugh of Musbrigh, nephew and heir of Stephen of Musbrigh, sometime lord of the same, makes known that he has relaxed and quitclaimed to Sir William Leuyngestoun, knight, his heirs and assignees, all right and claim which he has or could have in the lands and tenements of Musbrigh with their pertinents in the sheriffdom of Lanarc, which the said Stephen his uncle sold to Dame Elen of Carantelie, as more fully contained in his charter to her; and that no right or claim remained to him in said subjects. Attested by the seal of the granter and by the common seal of the burgh of Lanarc.

(9)

Charter by David II. to Sir William Leuyngstoun of the barony of Kalentyre, 10 July 1345. (Original in 1860 *penes* Mr. Robert Haldane, W.S.)

David Dei gracia Rex Scottorum omnibus probis hominibus tocius terre sue salutem: Sciatis nos dedisse concessisse et hac prescnti carta nostra confirmasse Willelmo de Leuyngystoun militi dilecto et fideli nostro pro homagio et seruicio suo totam baroniam de Kalentyre cum pertinenciis infra vicecomitatum de Strivelyn que fuit quondam Patricii de Kalentyre et quam dictus quondam Patricius contra nos totaliter forisfecit nec ipsam baroniam nisi per Robertum senescallum Scocie nepotem nostrum tunc locum nostrum tenentem ad voluntatem nostram recuperauit: Tenendam et habendam dicto Willelmo et Willelmo filio suo ac hcredibus eiusdem Willelmi filii de nobis et heredibus nostris in feodo et hereditate per omncs rectas metas et diuisas suas adeo libere et quiete plenarie integre

et honorifice cum omnimodis libertatibus commoditatibus aysiamentis et iustis pertinenciis in omnibus et per omnia ad predictam baroniam spectantibus seu iuste spectare valentibus in futurum quoquo modo sicut predictus quondam Patricius predictam baroniam cum pertinenciis liberius iuste tenuit seu possedit: Faciendo nobis et heredibus nostris seruicia de predicta baronia cum pertinenciis debita et consueta: In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi; testibus Roberto senescallo Scocie nepote nostro Johanne Ranulphi comite Morauie domino Vallis Anandie et Mannie consanguineo nostro Patricio de Dunbarr comite Marchie Malcolmo Flemyng comite de Wygtoun et Thoma de Carnoto cancellario nostro militibus: Apud Dunbretane decimo die Julii anno regni nostri septimo decimo.

(*Abstract.*)

David, King of Scots, makes known that he has granted and confirmed to William Leuyngstoun, knight, for his homage and service, the whole barony of Kalentyre with pertinents within the sheriffdom of Strivelyn, which was the property of the late Patrick of Kalentyre, who had wholly forfeited it and had not recovered it at the will of the King unless through Robert, Steward of Scotland, his nephew and lieutenant: To be held by the said William Leuyngstoun and William, his son, and the heirs of the latter, of the King, for performance of the services used and wont due for said barony.

(10)

Charter by Thomas, son of John, to John of Rate of land in the Burgh of Innerbervy; undated, but *circa* 1350-60. (Original in Glenbervie Charter Chest.)

Omnibus hanc cartam visuris vel audituris Thomas filius et heres quondam Johannis burgensis de Inuerberuy salutem in Domino sempiternam: Noueritis me dedisse concessisse et ad feodofirmam dimisisse necnon et pro me et heredibus meis imperpetuum confirmasse dilecto meo Johanni de Rate filio quondam Johannis de Rate quatuor perticatas terre cum pertinenciis jacentes in burgo de

Inuerberuy in vico maris ex parte australi vici eiusdem inter terram Sancti Martini ex parte occidentali ex parte vna et terram Sybiline dicte Walker ex parte orientali ex parte altera vna cum quadam perticata terre cum pertinenciis jacente in eodem burgo de Inuerberuy in prefato vico maris ex parte borcali vici eiusdem inter terram Johannis dicti Sterisman ex parte orientali ex parte vna et venellam Ecclesie Sancte Marie ex parte occidentali ex parte altera pro quadam pecunie summa quam idem Johannes michi in mea magna et vrgente necessitate premanibus in numerata pecunia fideliter et integraliter persoluit: Tenendas et habendas predictas terras cum pertinenciis prefato Johanni heredibus suis et assignatis de me et heredibus meis et assignatis adeo libere et quiete plenarie et honorifice bene et in pace sicut aliqua terra in regno Scocie alicui per aliquem liberius quietius plenius et honorificencius ad feodofirmam dimittitur conceditur sive datur cum omnibus et singulis libertatibus commoditatibus aysiamentis et iustis pertinenciis ad dictas terras spectantibus seu quoquo modo spectare valentibus in longitudine et latitudine tam sub terra quam supra terram: Reddendo annuatim de dictis terris cum pertinenciis dictus Johannes heredes sui vel assignati michi vel heredibus meis aut assignatis vnum denarium argenti ad festum Pentecostes racione albe firme si petatur ac firmam burgi domino nostro Regi de eisdem terris debitam et consuetam tantummodo pro omnibus aliis consuetudinibus exactionibus seu demandis secularibus que per me heredes meos sive assignatos aut aliquos alios nomine nostro de predictis terris cum pertinenciis exigi poterunt commodolibet [*sic*] in futurum: Et ego vero antedictus Thomas heredes mei et assignati totas terras sepedictas cum pertinenciis in omnibus et singulis ut supradictum est prefato Johanni et heredibus suis et assignatis contra omnes homines et feminas warantizabimus acquietabimus et in perpetuum defendemus: In cuius rei testimonium sigillum meum presenti carte mee est appensum vna cum sigillo communi dicti burgi quod eidem testimonii gracia apponi cum instancia procuravi; testibus Philippo de Aberbuthnot

domino eiusdem Duncano de Aberbuthnot Johanne Harbert et multis alijs.

No seals remain.

(*Abstract.*)

THOMAS, son and heir of the late John, burgess of Inuerberuy, makes known that, in consideration of a certain sum of money paid to him beforehand in his urgent necessity, he has granted and given in feu farm to John of Rate, son of the late John of Rate, four particates of land with pertinents lying on the south side of the Seagate of the burgh of Inuerberuy, between the land of St. Martin on the west and the land of Sybilin Walker on the east, together with a certain particate of land with pertinents lying on the north side of the said Seagate, between the land of John Sterisman on the east and the vennel of the church of St. Mary on the west: To be held *de me* for payment to the granter of a silver penny in name of blench ferm at Whitsunday if asked only, and to the King, the burgh ferm due and wont for said lands. Attested by the seal of the granter and by the common seal of the burgh.

(11)

CHARTER BY DAVID II. confirming the Charter by John Stewart to William Mawtaland of the lands of Ormystoun, 9 December 1353. (Original in Traquair Charter Chest.)

David Dei gracia Rex Scottorum omnibus probis hominibus suis ad quorum notitiam presentes litere peruenerint salutem: Noverit vniuersitas vestra nos quandam cartam et donacionem Johannis Senescalli filii et heredis domini Walteri Senescalli militis quondam domini de Dalswyntoun non rasam non abolitam non cancellatam nec in aliqua sui parte suspectam ciusdemque Johannis vero sigillo sigillatam vidisse et diligenter inspexisse in forma que sequitur: Omnibus hanc cartam visuris vel audituris Johannes Senescalli filius et heres domini Walteri Senescalli militis quondam domini de Dalswyntoun salutem in Domino sempiternam: Noveritis me dedisse concessisse et hac presenti carta mea confirmasse Willelmo Mawtaland heredibus suis et suis assignatis totam terram meam de Ormystoun cum pertinenciis jacentem in vicecomitatu de Peblis: Tenendam et habendam predicto Willelmo heredi-

bus suis et suis assignatis de me et heredibus meis in feodo et hereditate sine aliquo retinemento cum omnibus commoditatibus libertatibus et aysiamentis ad dictam terram spectantibus seu quoquomodo spectare valentibus in futurum videlicet in terris pratis pascuis pasturis boscis planis moris marresiis viis semitis turbariis petariis aquis stagnis molendinis multuris piscariis aucupacionibus venacionibus et bracinis curiis et earum perquesitis et cum omnibus aliis et singulis libertatibus comoditatibus et aysiamentis quibuscunque spectantibus prope et procul tam sub terra quam supra terram tam non nominatis quam nominatis ad predictam terram cum suis pertinenciis qualitercunque pertinentibus seu pertinere valentibus quoquomodo cum libero introitu et exitu libere quiete bene et in pace in feodo et hereditate in perpetuum adco libere et quiete in omnibus et per omnia sicut dominus Waltcrus pater meus dictam terram cum suis pertinenciis liberius et adquiecius [*sic*] aliquo tempore tenuit : Reddendo inde mihi et heredibus meis predictus Willelmus heredes sui et sui assignati vnam rosam apud Ormystoun ad festum nativitatis Sancti Johannis Baptiste nomine albe firme tantum si petatur pro omnibus aliis seruiciis secularibus exaccionibus seu demandis que de dicta terra cum pertinenciis exigi poterunt vel requiri : Et ego vero prefatus Johannes et heredes mei predicto Willelmo et heredibus suis et suis assignatis predictam terram vt predicitur contra omnes homines et feminas warendizabimus acquietabimus et in perpetuum defendemus : In cuius rei testimonium presenti carte mec sigillum mcum est appensum ; hiis testibus Rogero de Kirkpatrik tunc vicecomite de Dunfres Thoma de Kirkpatrik Jacobo de Thuedi Johanne de Cauldcotys Alexandro Lech et multis aliis : Quas quidem cartam et donacionem in omnibus punctis et articulis ratificamus approbamus et presenti carta mea prefato Willelmo et heredibus suis ac assignatis plene perfecte et libere confirmamus non obstante quocunque statuto a predccessoribus nostris aut nobis hucusque edicto seu promulgato et eas sigilli nostri apposicione munimus saluo nobis seruicio nostro de dicta terra cum pertinenciis debito et consueto ;

testibus Willelmo episcopo Sancti Andree Willelmo episcopo Dunblanensi Patricio episcopo Brechinensi cancellario nostro Patricio comite Marchie Thoma Senescallo comite de Anegus Willelmo de Leuygtoun Roberto de Erskyn David de Anandia militibus et multis aliis: In cuius rei testimonium sigillum nostrum presentibus fecimus apponi: Apud Edinburgum nono die mensis Decembris anno Domini millesimo trecentesimo quinquagesimo tertio et regni nostri viccsimo quarto.

(*Abstract.*)

David, King of Scots, makes known that he has seen and diligently inspected the charter aftermentioned, which was not erased, abolished, cancelled, or suspect in any of its parts, and was sealed with the seal of the granter, and which he ratifies and approves in all points under reservation of the service due and wont for said lands. By the charter confirmed, John Stewart, son and heir of Sir Walter Stewart, knight, formerly lord of Dalswyntoun, granted to William Mawtaland, his heirs and assignees, the whole land of Ormystoun with pertinents in the sheriffdom of Peblis: To be held *de me* for delivery to the granter of a rose at Ormystoun on the feast of the Nativity of St. John the Baptist in name of blench ferm.

(12)

Charter by Thomas, Earl of Marre, confirming a Charter (undated) by Sir William Mowat of Feryn, knight, to his brother, Sir Bernard Mowat, knight, of the lands of Easter Fowlys, 31 July 1356. (Original in Rothes Charter Chest.)

Omnibus hoc scriptum visuris vel audituris Thomas comes de Marre salutem in Domino: Noueritis nos inspexisse et diligenter legi fecisse quamdam cartam bone memorie quondam domini Willelmi de Monte alto militis nobis presentatam per dilectum et fidelem nostrum Jacobum de Monte alto non abrasam non suspectam nec in aliqua sui parte corruptam set omni prorsus vicio suspicionis carentem tenorem qui de verbo ad verbum seqitur continentem: Omnibus hanc cartam visuris vel audituris Willelmus de Monte alto miles dominus de Feryn eternam in Domino salutem: Nouerit vniuersitas vestra me dedisse concessisse et hac presenti carta mea

confirmasse dilecto et fideli fratri meo domino Bernardo de Monte alto militi pro seruicio suo michi impenso totam terram meam de Ester Fowlys in comitatu de Marre infra vicecomitatum de Abirdien : Tenendam et habendam sine aliquo retinemento predicto domino Bernardo de Monte alto et heredibus suis de me et hercdibus meis in fcodo et hcreditate cum molendinis multuris bracinis moris maresiis petariis turbariis stagnis aquis viis semitis pratis pascuis et pasturis cum boscis et planis venacionibus aucupacionibus piscariis et cum omnibus aliis libertatibus et aysiamentis ac ceteris suis justis pertinenciis tam non nominatis quam nominatis ad dictam terram pertinentibus seu pertinere valentibus quomodolibet in futurum libere quiete plenarie honorifice bene et in pace ita liberius quieeius et honorificencius sicut ego dictam terram de Ester Fowlys cum pertinenciis de domino meo comite de Marre teneo et possideo : Reddendo inde michi et heredibus meis dictus dominus Bernardus et heredes sui duodecim denarios argenti apud Ester Fowlys quolibet anno ad festum Sancti Martini in yeme si petantur tantum pro omnibus exaccionibus consuetudinibus demandis vel aliis terrenis seruiciis quibuscunque que de dicta terra de Ester Fowlys a quocunque vel per quemcunque exigi poterunt seu demandari saluo forinseco seruicio domini nostri Regis quantum ad dictam terram de iure pertinet et excepto quod dictus dominus Bernardus et heredes sui facient communem sectam curie domini mei comitis de Marre pro dicta terra de Ester Fowlys : Ego vero predictus Willelmus de Monte alto et heredes mei predictam terram de Ester Fowlys cum pertinenciis predicto domino Bernardo et heredibus suis contra omnes homines et feminas warantizabimus acquietabimus et inperpetuum defendemus : In cuius rei testimonium presenti carte mee sigillum meum est appensum ; testibus dominis Reginaldo le Chene Andrea de Garwyauch Ricardo de Balwery Thoma de Rettree Willelmo de Laudonia et Willelmo de Rochnach militibus et multis aliis : Quamquidem cartam in omnibus suis punctis et articulis predicto Jacobo de Monte alto et heredibus suis approbamus ratificamus et pro nobis et

heredibus nostris in perpetuum confirmamus: In cuius rei testimonium presenti scripto nostro sigillum nostrum fecimus apponi: Apud Abirdien ultimo die mensis Julij anno Domini millesimo tricentesimo quinquagesimo sexto; testibus Thoma Senescallo comite de Angus Willelmo de Keth marescallo Scocie Magistro Gilberto Armstrang domino Johanne de Marre canonicis ecclesie Abirdonensis domino Laurencio Gylibrand milite Andrea de Garwyauch et multis aliis.

(*Abstract.*)

Thomas, Earl of Marre, makes known that he has inspected and diligently caused to be read the charter aftermentioned, which was not erased, suspect or corrupt in any part but altogether free from suspicion, and which he approves and confirms in all points. By the charter confirmed, William Mowat, knight, lord of Feryn, granted to his brother Sir Bernard Mowat, knight, for his homage and service, the whole land of Ester Fowlys in the earldom of Marre and sheriffdom of Abirdien: To be held of the granter, as freely, quietly and honourably as he held and possessed the same of the Earl of Marre, for payment of twelve silver pennies at Ester Fowlys at Martinmas each year for all other land services if asked only; the forinsec service due to the King being reserved and the said Bernard Mowat making common suit for the lands at the court of the Earl of Marre.

(13)

Charter by John Coupland to John Kerre of the Forest of Selkirk of the lands of Aldtonburne, 6 February 1357. (Original in Roxburgh Charter Chest.)

Omnibus hanc cartam visuris vel audituris Johannes de Coupland salutem in Domino: Noueritis me dedisse concessisse et hac presenti carta mea confirmasse Johanni Kerre de Foresta de Selkirk omnia terras et tenementa mea cum pertinenciis in Aldtonburne que habui ex dono et feoffamento Ade de Roule per cartam suam inde michi confectam: Habenda et tenenda omnia supradicta terras et tenementa cum omnibus suis libertatibus commoditatibus proficuis aysiamentis et quibuscunque suis pertinenciis supradictis terris et tenementis quoquomodo spectantibus seu spectare valentibus predicto Johanni Kerre heredibus

et assignatis suis in feodo et hereditate sine aliquo retenemento imperpetuum per omnes rectas metas et diuisas suas libere quiete plenarie integre et honorifice vt in terris et pratis moris maresiis viis semitis aquis stagnis pascuis et pasturis et cum omnibus aliis iustis suis pertinenciis tam non nominatis quam nominatis quibuscunque in omnibus et per omnia de capitalibus dominis feodi illius per seruicia inde debita et consueta in futurum : Et ego predictus Johannes de Coupland et heredes mei omnia supradicta terras et tenementa cum suis pertinenciis predicto Johanni Kerre heredibus et assignatis suis vt predictum est contra omnes gentes warantizabimus aquietabimus et imperpetuum defendemus : In cuius rei testimonium huic presenti carte mee sigillum meum apposui ; hiis testibus Roberto de Coleuille Wilelmo de Rotherford Johanne de Aynesley Rogero de Aldtoun Roberto de Wodeford Jacobo de Loreyne Wilelmo de Gledstanes Wilelmo de Roule Ricardo de Rydale Alexandro de Flex Johanne de Chattow et aliis satis : Apud Altounburne die Lune proximo post festum purificationis beate Marie Virginis anno Domini millesimo trescentesimo quinquagesimo septimo.

(*Abstract.*)

John Coupland makes known that he has granted and confirmed to John Kerre of the Forest of Selkirk all his lands and tenements with pertinents in Aldtonburne which he had by charter from Adam Roule : To be held by the said John Kerre of the overlords of that fee for services used and wont.

(14)

Charter by Robert, Steward of Scotland, to William Gordoun of Stitchelle of the lordship and government of the New Forest of Glenkenne, 8 April 1358. (Original in Kenmure Charter Chest.)

Robertus senescallus Scocie ac comes de Stratherne omnibus hanc cartam visuris vel audituris salutem : Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Willelmo de Gordoun domino de Stitchelle dilecto et fideli nostro totale dominium regimen et tutelam

noue foreste de Glenkenne infra vicecomitatum de Dromfres : Tenendum et habendum eidem Willelmo et heredibus suis de nobis et heredibus nostris in feodo et hereditate imperpetuum per omnes antiquas rectas metas et diuisas suas in omnibus et per omnia cum omnimodis libertatibus commoditatibus feodis rectitudinibus et iustis pertinenciis tempore recolende memorie domini Roberti dei gracia quondam Scotorum Regis illustris qualitercunque consuetis secundum siquidem [*sic*] tenorem infeodacionis per excellentissimum principem ac dominum nostrum dominum Dauid Dei gracia Scotorum Regem illustrem inde nobis facte : Quam quidem donacionem nostram secundum tenorem infeodacionis inde nobis facte dicto Willelmo et heredibus suis nos et heredes nostri contra quoscunque warantizabimus et imperpetuum defendemus : In cuius rei testimonium presenti carte nostre apponi fecimus sigillum nostrum : Apud Edinburgh octauo die mensis Aprilis anno Domini millesimo tricentesimo quinquagesimo octauo.

Seal appended : A shield with a fess chequé. Legend : 'Sigillvm Roberti Senescalli Scocie.' Beautiful tracery between the shield and the legend.

(*Abstract.*)

Robert, Steward of Scotland and Earl of Stratherne, makes known that he has granted and confirmed to William Gordoun, lord of Stitchelle, the whole lordship, government and care of the New Forest of Glenkenne within the sheriffdom of Dromfres : To be held of the granter and his heirs with all liberties, fees, etc., customary in the time of the late Robert, King of Scots, according to the tenor of the infeftment made by David, King of Scots, to the granter.

(15)

Charter of Confirmation by David II. confirming the Charter (undated) by Duncan, Earl of Fife, to John de Ramesay of Dunonyn of the lands of Balnahaglis, 4 June 1358. (Original in 1853 *penes* John Murray of Murrayshall.)

Dauid Dei gratia Rex Scotorum omnibus probis hominibus tocius terre sue salutem : Sciatis nos quamdam cartam

quondam Duncani comitis de Fyff non rasam non abolitam nec in aliqua sui parte viciatam vidisse diligenter et intellexisse in hec verba: Universis presentes litteras inspecturis vel audituris Duncanus comes de Fyff salutem in domino: Nouirit universitas vestra nos dedisse concessisse et hac presenti carta nostra confirmasse Johanni de Ramesay de Dunonyn heredibus suis et suis assignatis pro nobili et fideli seruicio suo nobis impenso totam terram nostram de Balnahaglis infra baroniam nostram de Kynnoule cum omnibus justis pertinentiis suis tam in pratis pascuis pasturis viis semitis boscis planis moris marresiis aquis stagnis turbariis petariis molendinis bracinis quam in omnibus aliis aysiamentis tam non nominatis quam nominatis: Reddendo inde annuatim nobis et heredibus nostris ad villam nostram de Kynoule unum par cirotecarum nomine albe firme ad festum Pentecostes si petatur tantum pro omnibus aliis seruiciis exactionibus et demandis que de dicta terra exigi poterunt quoquo modo in scriptum [*rectius* futurum]: Nos vero Duncanus et heredes nostri dictam terram cum omnibus pertinentiis et aysiamentis suis prenominatis dicto Johani heredibus suis et assignatis contra omnes homines et feminas warantizabimus acquietabimus et imperpetuum defendemus: In cujus rei testimonium presentibus sigillum nostrum fecimus apponi; hiis testibus dominis Johanne Cambrin domino de Ballegernach Rogero de Mortuo Mare Johanne de Lasselis militibus Johanne de Lumysdene Thome de Lumysdene et multis aliis: Quam quidem cartam donationemque et concessionem in eadem contentas in omnibus punctis suis articulis conditionibus et modis supra nominatis et expressis ac in circumstantiis suis quibuscunque formam pariter et effectu predicto Johanni heredibus suis et assignatis approbamus ratificamus et pro nobis et heredibus nostris imperpetuum confirmamus saluo scruicio nostro: In cujus rei testimonium presenti carte confirmationis nostre sigillum nostrum precepimus apponi; testibus venerabili in christo patri Patricio episcopo Brechinensi cancellario nostro Patricio comite Marchie et Morauie Willelmo comite de Douglas David de Anandia

et Johanne de Prestona militibus: Apud Dunde quarto die Junii anno regni nostri vicesimo octavo.

Seal detached.

(*Abstract.*)

David, King of Scots, makes known that he has seen and understood the charter aftermentioned, which was not erased, abolished or vitiated in any part and which he approves and ratifies, saving the service due to him. By which charter, Duncan, Earl of Fyff, granted and confirmed to John Ramesay of Dunonyn, his heirs and assignees, for his noble and faithful service, the whole lands of Balnahaglis within the barony of Kynnoule with all its just pertinents, for which Ramesay was to deliver a pair of gloves at Whitsunday at the town of Kynoule in name of blench ferm if asked only.

(16)

Charter by William of Blakedene to John Kerre of Eteryk Forest of the lands of Molle and Aldtonburn, 4 October 1358. (Original in Roxburgh Charter Chest.)

Sciant omnes homines tam presentes quam futuri quod ego Wilelmus de Blakedene filius et heres Cristiane de Blakedene dedi concessi et hac presenti carta mea confirmaui Johanni Kerre de Foresta de Eteryk et Mariote vxori eius omnia terras et tenementa cum pertinenciis que michi iure hereditarie post mortem predicte Cristiane quondam matris mee decenderunt de hereditate eiusdem Cristiane in villis de Molle et Aldtonburn infra regalitatem de Sproustoun: Habenda et tenenda omnia supradicta terras et tenementa cum suis omnibus et singulis libertatibus commoditatibus proficuis aysiamentis et quibuscumque suis pertinenciis ad predictas terras et tenementa quouis modo et qualitercumque spectantibus seu spectare valentibus predictis Johanni et Mariote et heredibus et assignatis ipsius Johannis in feodo et hereditate adeo plane libere quiete integre bene et in pace prout ego vel aliquis antecessorum meorum predicta terras et tenementa cum pertinenciis aliquo tempore liberius vel quiecius habuimus seu tenuimus sine aliquo retenemento de capitalibus dominis feodi illius per seruicia inde debita et

consueta imperpetuum : Et ego vero predictus Wilelmus et heredes mei omnia supradicta terras et tenementa cum omnibus suis pertinenciis predictis Johanni et Mariote heredibus et assignatis ipsius Johannis vt supradictum est contra omnes homines warantizabimus acquietabimus et imperpetuum defendemus : In cuius rei testimonium huic presenti carte mee sigillum meum apposui ; hiis testibus Roberto de Coleuile Johanne de Aynesley Jacobo de Borrzon Rogero de Aldtoun Roberto de Wodeford Wilelmo de Roulc Ricardo de Rydale Eustacio de Chattow Wilelmo Corbet et aliis satis : Apud Aldtonburn die Jouis proximo post festum Sancti Michaelis Archangeli anno Domini millesimo trecentesimo quinquagesimo octavo.

(*Abstract.*)

William of Blakedene, son and heir of Cristian of Blakedene, makes known that he has granted and confirmed to John Kerre of the Forest of Eteryk and Marion, his spouse, all lands and tenements of the heritage of his mother in the towns of Molle and Aldtonburn within the regality of Sproustoun which descended to him by heritable right after her death : To be held of the overlords of the said fee for services used and wont.

(17)

Charter by George, Earl of March, to Nigell Ewar of the lands of Skyftynhows and Smalegyllys, 30 July 1372. (Original in 1870 *penes* Mr. John C. Aitken, The Hill, Dumfries.)

Omnibus hoc scriptum visuris vel audituris Georgius de Dumbarr comes Marchie et dominus vallis Annandie et Mannie salutem in Domino : Noueritis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Nigello Ewar heredibus suis et suis assignatis terras de Skyftynhowys et de Smalegyllys cum pertinenciis in valle de Moffet infra dominium vallis Anandie predicte ; quas quidem terras cum pertinenciis Johannes de Alncromb nobis sursum tradidit et cum fuste et baculo in manus nostras sponte resignavit apud Dudyinston in Laudonia decimo quinto die mensis Aprilis anno gracie millesimo ccc^{mo} septuagesimo secundo de se heredibus suis

ct suis assignatis ac eciam totum ius et clameum quod habuit seu vendicare poterit quoquomodo in eisdem: Habendas et tenendas dictas terras cum pertinenciis commoditatibus libertatibus et aysiamentis ad dictas terras spectantibus seu aliquo modo de iure spectare valentibus in futurum predicto Nigello heredibus suis et suis assignatis de nobis et heredibus nostris libere quicte bene et in pace in feodo et hereditate imperpetuum: Faciendo inde nobis et heredibus nostris dictus Nigellus et heredes sui seruicium de predictis terris cum pertinenciis debitum et consuetum: In cuius rei testimonium huic presenti carte sigillum nostrum dicte vallis iussimus apponi; testibus domino Johanne Heryce milite Duncano de Kirkpatrik domino eiusdem Roberto de Corry Roberto de Carrothers domino de Moussald Rogero de Carrothers domino de Bodysbekis Roberto Boyle et multis aliis: Apud Moffett penultimo die Julii anno vt supra.

Seal wanting.

Dorso: Edinburgh the 17th off March 1656. Producit be Mr. George Chartouris and ane minut taken and recorded in the buikes off Exchequer conforme to the act thereanent be me.

(Signed) W. Purves Clk.

(*Abstract.*)

George Dumbarr, Earl of March and lord of Annandale and Man, makes known that he has granted and confirmed to Nigell Ewar, his heirs and assignees, the lands of Skyftynhowys and Smalegyllys with pertinents in Moffatdale within the lordship of Annandale, which John of Alncromb, by staff and baton, of his free will resigned into his hands at Dudyinston in Lothian on 15 April 1372: To be held of the granter for service used and wont.

(18)

Charter by William de Keth, Marischal of Scotland, and Spouse, to Robert Keth, their Son, of the lands of Ochtyrothyrstruthyr, 20 October [1380]. (Original at Crawford Priory.)

Omnibus hanc cartam visuris vel audituris Willelmus de Keth marescallus Scocie et Mergareta Fraser sponsa

eiusdem salutem in Domino sempiternam : Noucritis nos vnanimi assensu et consensu nostro dedisse concessisse et hac presenti carta nostra confirmasse dilecto filio nostro Roberto de Keth pro homagio et seruicio suo nobis impenso omnes terras nostras de Ochtyrothyrstruthyr cum pertinenciis iacentes infra vicecomitatum de Fyff cum omnibus suis iustis commoditatibus libertatibus et asiamentis ac omnibus aliis et singulis circumstanciis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram ad dictam terram spectantibus seu quoquo modo spectare valentibus in futurum : Tenendas et habendas eidem Roberto et heredibus suis de nobis et Roberto de Keth herede nostro filio quondam Johannis de Keth filii nostri et hcredis et heredibus suis masculis in feodo et hereditate imperpetuum quibus heredibus masculis fortasse quod absit deficientibus dictus Robertus et heredes sui tenebunt dictas terras cum pertinenciis predictis et aliis quibuscunque de domino nostro episcopo Sanctiandree in capite adeo libere quiete plenarie honorifice bene et in pace sicut nos ipsi aut aliquis predecessorum nostrorum dictas terras cum pertinenciis tenuimus aliquando seu possidebamus : Reddendo inde dictus Robertus et heredes sui eidem Roberto heredi nostro et heredibus suis masculis vnum par serotecarum nomine albe firme ad capitale mansum earundem terrarum ad festum Pentecostes si petatur singulis annis pro omni alio seruicio seculari exactione seu demanda que de dictis terris cum pertinenciis exigi poterunt aut requiri saluo tamen seruicio dicti domini nostri episcopi de dictis terris cum pertinenciis : Quasquidem terras de Ochtyrothirstruthyr cum pertinenciis cum omnibus suis commoditatibus aysiamentis et ceteris pertinenciis suis quibuscunque ad dictas terras spectantibus prefato Roberto et heredibus suis nos et heredes nostri contra omnes mortales warantizabimus acquietabimus et imperpctuum defendemus : In cuius rei testimonium presenti carte nostre sigilla nostra consimiliter sunt appensa : Apud manerium nostrum de Kyntor vicesimo die mensis Octobris.

(*Abstract.*)

William de Keth, Marischal of Scotland, and Margaret Fraser, his spouse, make known that they have granted and confirmed to Robert de Keth, their son, for his homage and service, all their lands of Ochtyrothyr-struthyr with pertinents lying in the sheriffdom of Fyff: To be held of the granters and of Robert de Keth, son of the late John de Keth, their son, and his heirs male, whom failing, the lands were to be held of the lord bishop of St. Andrews: Rendering therefor at Whitsunday a pair of gloves in name of blench ferm at the chief dwelling place of said lands and reserving the services due to the bishop.

(19)

Wadset by Richard of Montefixo of Fausyd to Alexander Gordoun of the west half of the lands of Fausyd; undated, but *circa* 1380. (Original in Duntreath Charter Chest.)

Omnibus hoc scriptum visuris vel audituris Ricardus de Monteferii [*rectius* Montefixo] dominus medietatis de Fausyd ex parte occidentali eiusdem iacentis salutem in Domino sempiternam: Noueritis me cum consensu et assensu reuerendi domini mei domini Johannis de Gordoun domini eiusdem domini superioris dictarum terrarum mearum de Fausyd dedisse et concessisse et hoc presenti scripto meo ad vadium immobile impignorasse Alexandro de Gordoun heredibus suis et suis assignatis totam terram meam predictam de Fausyd cum pertinenciis infra dominium de Gordoun iacentem: Tenendam et habendam predicto Alexandro heredibus suis et suis assignatis libere quiete bene et honorifice cum dominio et curiis dicte terre heriotis et merchetis et eorum exitibus ac cum omnibus aliis libertatibus commoditatibus et aysiamentis ac iustis suis pertinenciis quibuscunque tam non nominatis quam nominatis tam sub terra quam supra terram in omnibus et per omnia ad dictam terram spectantibus seu quomodolibet spectare valentibus in futurum quousque ego dictus Ricardus heredes mei vel assignati predicto Alexandro heredibus suis vel assignatis de tresdecim marcis vsualis monete vno die inter solis ortum et occasum in ecclesia parochiali de Gordoun super altare Sancte Marie extenso mantili gresio plenarie et intigre satisfecero vel satis-

fecerint: Et predictus Alexander heredes sui vel assignati leuabit vel leuabunt omnes firmas fructus et obuenciones dicte terre tempore impignoracionis durante: Et si contingat me prefatum Ricardum heredes meos vel assignatos seu aliquem alium nomine nostro dictam impignoracionem contradicere vel ipsum Alexandrum heredes suos vel assignatos causa dicte impignoracionis mee molestare inquietare seu aliquo modo placitare vel in defectu mei heredum meorum vel assignatorum aliquod dampnum incurrere obligo me heredes et exequitores meos terras tenementa reditus et possessiones ac omnia bona nostra mobilia et immobilia vbicunque fuerint inuenta nulla libertate excepta fore distringenda capienda et pro voluntate dicti Alexandri heredum suorum vel assignatorum vendenda et in vsus suos conuertenda absque contradiccione qualicunque quousque de decim libris vsualis monete prefato Alexandro heredibus suis vel assignatis tam pro dampnis laboribus et expensis quos vel quas dictus Alexander heredes sui vel assignati sustinuerit vel sustinuerint quam de principali debito fuerit satisfactum integre et plenarie: fabrice vero ecclesie Sancti Andree in centum solidorum sterlingorum nomine pene antequam ego dictus Ricardus heredes mei vel assignati habuero vel habuerint aliqualem audienciam in aliquali curia coram quocunque iudice ecclesiastico seu seculari: omnes vero firmas redditus et fructus quos vel quas prefatus Alexander heredes sui vel assignati de dicta terra cum suis pertinenciis medio tempore reciperit vel reciperint eisdem Alexandro heredibus et assignatis quibuscunque pro suo consilio michi impenso et impendendo per presentes do libere et concedo: Volo insuper et promitto pro me et heredibus meis et assignatis quod omnia edificia ac cetere reparaciones in dicta terra die solutionis dicte pecunie que reperta fuerint vel reperti vna cum annualibus redditibus singulis annis domino superiori solutis dicto Alexandro heredibus suis et suis assignatis allocentur sumptus eorundem et persoluantur secundum visum et discretionem fide dignorum: Et ego vero dictus Ricardus heredes mei vel assignati totam predictam terram meam de Fausyde cum

pertinenciis vt supradictum est dicto Alexandro heredibus suis vel assignatis warantizabimus acquietabimus et defendemus: In cuius rei testimonium quod sigillum proprium non habui sigillum nobilis domini ac domini mei superioris domini Johannis de Gordoun domini eiusdem apponi presentibus procuraui; hiis testibus Adam de Gordoun Andrea de Keth Willelmo de Berclay Johanne de Gothrik et Johanne de Spottiswod cum aliis.

(*Abstract.*)

Richard Musher, lord of the west half of Fausyd, makes known that, with consent of Sir John Gordoun of that Ilk, lord superior of his said lands, he has wadset to Alexander Gordoun his whole lands of Fausyd with pertinents lying in the lordship of Gordoun: To be held by the said Alexander Gordoun until the granter shall pay to him the sum of 13 merks, between sunrise and sunset, on a grey cloth placed on the altar of St. Marie in the parish church of Gordoun. Gordoun was to uplift the ferms and fruits during the term of the wadset, and should he, through the granter contravening the terms of the grant, be molested, troubled, or incur expense, the granter's lands, rents, possessions, and goods were to be distrained and sold until Gordoun was paid £10 Scots as well for the damages and expenses incurred by him as for the principal sum. Further, the granter is to give 100 shillings sterling to the fabric of the church of St. Andrews as a penalty before he can be heard in any court in presence of any judge, ecclesiastical or secular, and he grants to Gordoun, for his counsel rendered and to be rendered, the ferms, rents and fruits received in the meantime from said lands; and on the day of repayment of the principal sum he promises to recompense Gordoun for all buildings and repairs and for all annual rents paid to the superior, which shall be found due at the sight of worthy men.

(20)

Letters by William Marschal of Rossyth certifying that he had infeft Michel Rony in a quarter of the lands of Colstoun, on the resignation of Richart Jonsoun, 8 November 1384. (Original in Condie Charter Chest.)

Til all men thir lettris to see or to her William Marschal lord of the third part of the barony of Rossitht and our lard to the landis of Balmule Monquy and of Colstoun in chefe gretyne in God ay lestand: For why medeful thing and meritable is to ber witnes to suthfastnes for thi it is

that I ber witnes lele and suthfast that Richart Jonsoun whilum lard of a quarter of Colstoun befor the witnes vndirwrytin resignit and vp gaf of his awin gude wil quytly and frely be staf and bastoun al the rycht that he had or mycht haf of the forsayd quarter of Colstoun liand within the schiredome of Fyfe in my handis for to gif to Michel Rony lord of anc other quarter of Colstoun til his ayris and his assignes for a swm of siluir the whilk the forsayd Michel payt till Jhon Martyn lard of Brigland for the lyfe of the forsayd Richart quytly boucht fra the forsayd Jhon Martyn for mysdede he had done to the forsayd Jhon for the whilk him behuvit til haf deit: Alsa the forsayd Richart wald haf givin and sald that forsayd land til ony man that wald haf made him quyt for his lyf of the whilk forsuth land with the pertinens I gaf the forsayd Michel heritable state: In the witnes of the whilk thing to thir letteris I haf put to my sele to gidder with the selis of honest and discrete men that is to say Jhon Multrar lard of Markynch and schir Thomas of Kingorn vicar of Innirkethyng at Inchgal the aucht day of the monath of Novembir the yher of our Lord a thwsand thre hundir fourscor and four; witnes a worthy man and a noble schir Jamis the Valons knycht lord of Inchegal Jhon Multrar lord of Markynch beforsayd Wat the Valons, William of Allirdes schir Thomas of Kingorn vicar of Innirkethyng befor nemmyt and Henry Malvyn with othir sindry to this thing callit and specialy requirit.

A part of two seals only remains and a tag for the third seal.

(21)

Charter by John, Earl of Carric, Steward of Scotland, to Alan of Cathkert, Knight, of all land within the earldom of Carric which pertained to Sir Duncan Walays, knight, his uncle, 28 June 1386. (Original formerly in Carltoun Charter Chest.)

Omnibus hanc cartam visuris vel audituris Johannes regis Scotie primogenitus comes de Carric senescallus

Scocie salutem in domino sempiternam: Noverit vniuersitas vestra nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Alano de Cathkert militi domino eiusdem omnes et singulas terras cum pertinentiis que fuerunt quondam domini Duncani Walays militis auunculi sui jacentes infra comitatum nostrum de Carric et infra dominium nostrum de Kyle Senescalli et quas idem quondam dominus Duncanus non vi aut metu ductus nec errore lapsus set mera et spontanea sua voluntate in presencia plurium fidedignorum nobis reddidit et per fustum et baculum sursum resignavit cum omni iure et clameo quod in eisdem terris cum pertinentiis ipse quondam dominus Duncanus vel heredes sui habuit habuerunt vel habere poterunt in futurum quoquo modo: Tenendas et habendas omnes terras predictas cum pertinentiis dicto domino Alano et heredibus suis de nobis et heredibus nostris in feodo et hereditate terris de Glenstenscher duntaxat nobis et heredibus nostris exceptis adeo libere et quicte plenarie integre et honorifice bene et in pace sicut dictus quondam dominus Duncanus easdem terras cum pertinentiis de nobis liberius tenuit seu possedit in moris marresiis aquis stagnis viis semitis pratis pascuis et pasturis aucupationibus venacionibus et piscariis multuris molendinis et eorum sequelis ac cum omnimodis aliis libertatibus commoditatibus aysiamentis et iustis pertinentiis suis quibuscunque ad dictas terras spectantibus seu iuste spectare valentibus in futurum quoquo modo: In cuius rei testimonium presenti carte nostre sigillum nostrum apponi fecimus: Apud Edynburgh xxviii die Junii anno domini millesimo tricentesimo octogesimo sexto.

(*Abstract.*)

John, Earl of Carric, Steward of Scotland, eldest son of the King, makes known that he has granted and confirmed to Alan of Cathkert, knight, lord of that Ilk, all the lands with pertinents lying within the earldom of Carric and lordship of Kyle Stewart which were the property of the late Sir Duncan Walays, his uncle, who of his free will surrendered and resigned the same to the granter: the said lands, with the exception of the lands of Glenstenscher, are to be held of the granter as freely and quietly as Sir Duncan held and possessed the same.

(22)

CHARTER BY JAMES SANDYLANDYS OF CALDOR, KNIGHT, AND JOHN HALYBURTOUN, KNIGHT, TO THOMAS CRANYSTOUN AND SPOUSE, of the lands of Fallyness and others ; undated, but *circa* 1390.

Omnibus Christo fidelibus presens scriptum visuris vel audituris Jacobus de Sandylandys miles dominus de Caldor et Johannes de Halyburtoun miles dominus eiusdem salutem in domino sempiternam : Sciatis [nos cum unanimi] consensu et assensu veritate [*rectius* utilitate] nostra pensata et ex deliberato proposito dedisse concessisse et hoc presenti scripto confirmasse dilecto armigero nostro Thome de Cranystoun domino eiusdem et Mariote vxori sue et eorum diucius viuenti et heredibus dicti Thome et suis assignatis viginti mareatas terre videlicet terras de Fallyness infra vicecomitatum de Roxburge cum pertinentiis et decem marcatas terre iacentes in villa de Langnudre videlicet terram husbandi quam tenet Walterus Renyson et terram husbandi quam David filius Michaelis et Johannes Wilsoun tenent et dimediam terram husbandi quam Thomas Walkar tenet cum pertinenciis in baronia de Trauernent infra constabulariam de Hadyngtoun pro suis labore consilio et auxilio nobis vnacum omnes mercales [*sic*] pro toto tempore vite suc impendendis et aliis scruiciis domini de Setoun : Tenendas et habendas dictis Thome et Mariote vxori sue et eorum diucius viuenti et heredibus dicti Thome et assignatis in molendinis et multuris boscis et planis pratis pascuis et pasturis aucupationibus venationibus cum liberis introitu et exitu et omnibus aliis commoditatibus libertatibus et aysiamentis ac iustis suis pertinentiis quibuscunque tam non nominatis quam nominatis et tam subtus terra quam supra terram ad dictas terras spectantibus seu spectare val[entibus] libere quiete bene et in pace in feodo et hereditate imperpetuum : Reddendo inde nobis et heredibus nostris predictus Thomas et Mariota vxor eius et eorum diucius viuens et heredes dicti Thome et assignati

super solum dictarum terrarum vnum par cyrochetarum singulariter pro qualibet parte dictarum terrarum ad festum Pentecostes nomine albe firme si petantur tantum pro omnibus seruiciis consuetudinibus exactionibus et demandis que de predictis terris de Fallyness et Langnudre exigi potcrint quoquomodo vel requiri: Quasquidem terras cum pertinentiis nos predicti Jacobus et Johannes et heredes nostri predictis Thome et Mariote vxori sue et eorum diucius viuenti et heredibus dicti Thome et assignatis in omnibus et per omnia vt superius est expressum contra omnes mortales warantizabimus acquietabimus et imperpetuum defendemus quousque nos fecerimus dictos Thomam et Mariotam vxorem suam et eorum diucius viuentem et heredes dicti Thome hereditarie saysinam hereditabilem et cartas terrarum dominicarum de Denum cum pertinentiis cum clausula de warento nostrum et heredum nostrorum in eadem forma et libertate sicut tenet residuum dominice ville de Denum prout in cartis quorumdam bonc memorie domini Thome comitis de Marr et Willelmi comitis de Douglas et de Marr et inde confectis plenius continetur et testatur: Quibus omnibus prescriptis consummatis ut superius est enarratum predicte terre de Fallyness et Langnudre a dicto Thoma et Mariota vxori sua et heredibus dicti Thome nobis et heredibus nostris in feodum et hereditatem reuertentur sine obstaculo vel questione quacunque: In cuius rei testimonium huic presenti scripto sigilla nostra sunt appensa; hiis testibus Jacobo de Lyndissay domino de Craufurde Malcolmo de Dromonde domino de Strathurde Willelmo de Newbygyn domino eiusdem militibus Willelmo de Douglas domino de Dromlangryg Willelmo de Halyburtoun domino de Sawlyn Adam Forster domino de Corstorfyne et Simone de Murraff constabulario de Calder et multis aliis.

(*Abstract.*)

James Sandylandys, knight, lord of Caldor, and John Halyburtoun, knight, lord of that Ilk, make known that they have granted and confirmed to Thomas Cranystoun of that Ilk and Marion, his spouse, and to the longer liver of them and the heirs of the said Thomas and his assignees, the twenty merklands of Fallyness within the sheriffdom of

Roxburgh and the ten merklands lying in the town of Langnudre, viz. the husband-land which Walter Renyson holds, the husband-land which David son of Michael and John Wilsoun hold, and a half husband-land which Thomas Walkar holds, lying in the barony of Trauernent and constabulary of Hadyngtoun, and that for his labour, counsel and aid, together with all other things to be done during his life and for other services due to the lord of Setoun: To be held by the said Thomas Cranystoun and spouse and the longer liver of them in blench ferm for delivery of a pair of gloves at Whitsunday for each part of said lands: which lands the granters are to warrant to Cranystoun and spouse until they shall receive heritable sasine and charters of the dominical lands of Denum, with clause of warrandice, in the same form as he holds the remainder of the dominical town of Denum, as more fully contained in the charters made by Thomas Earl of Marr and William Earl of Douglas and Marr to him thereupon; and this being accomplished the said lands shall revert to the granters, without obstacle or question.

(23)

NOTARIAL TRANSUMPT OF CHARTER BY ROBERT III. TO ADAM MURE OF ROWALANE AND SPOUSE, of the lands of Polnekel and others, 6 December 1392. Transumpt dated 20 June 1414. (Original at Kelburn.)

In dei nomine Amen. Anno a natiuitate domini millesimo quadringentesimo decimo quarto mensis Junii die viccsima indictione septima pontificatus sanctissimi in Christo patris ac domini nostri domini Benedicti diuina prouidentia pape decimo tertio anno vicesimo in mei notarii publici ac testium subscriptorum presentia personaliter constituta nobilis et honorabilis domina domina Margareta de Buchanane Glasguensis dioceseos in [*rectius* mihi] notario publico quandam cartam illustrissimi principis et domini bone memorie domini Roberti tertii Regis Scotorum magno sigillo ipsius quondam domini Regis executis [*sic*] ex [utraque?] parte suo nomine circumscripto et [? sculpturo] ex vna parte cum ymagine regis in cathedra sedentis vna cum armis eiusdem Regis Scottorum et ex alia parte cum ymagine hominis armati in equo sedentis tenentis in manu gladium euaginatum subscripto [*sic*] sigillatam cuius carte tenor sequitur et est talis: Robertus dei gratia Rex Scottorum omnibus probis hominibus totius terre

sue clericis et laicis salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Ade Mure de Rowalane [militi] et Jonete de Danielstoun sponse sue terras de Polnekel de Grey de Drumbwy de Clunch C[l]onyherb de Darclach necnon de le Bagraw cum pertinentiis in baronia de Cunyngham infra vicecomitatum de Are necnon terras de Lemflare cum pertinentiis infra vicecomitatum de Lanark que fuerunt dictorum Ade et Jonete hereditarie et quas ipsi non vi aut metu ducti nec errore lapsi sed mera et spontanea voluntate nobis per fustum et baculum sursum reddiderunt pureque et simpliciter resignaverunt ac totum ius et clameum que in dictis terris cum pertinentiis habuerunt vel habere potuerunt pro se et heredibus suis omnino quietum clamauerunt: Tenendas et habendas prenominatas terras cum pertinentiis dictis Ade et Jonete et eorum diutius viventi ac heredibus inter ipsos legittime procreatis seu procreandis quibus forsan deficientibus herdibus dicti Ade legittimis quibuscunque de nobis et heredibus nostris in feodo et hereditate in vnam liberam et integram baroniam quam baroniam de Polnekell de cetero volumus nuncupari per omnes rectas metas et diuisas suas cum furca et fossa sok sak thol them et infangandthefe cum curiis et eorum exitibus et cum [omnimodis] aliis libertatibus commoditatibus aysiamentis et iustis pertinentiis suis quibuscunque ad dictam baroniam spectantibus seu iuste spectare valentibus in futurum quoquo modo: Faciendo inde nobis et heredibus nostris dicti Adam et Joneta et eorum diutius vivens ac heredes sui ut predictum est quolibet anno tres sectas ad tria placita nostra capitalia de Irwyne imperpetuum et seruitium debitum et consuetum: In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi; testibus venerabilibus in Christo patribus Waltero et Matheo Sanctiandrec et Glasguensis ecclesiarum episcopis Roberto comite de Fyffe et de Meneteth fratre nostro carissimo Archibaldo comite de Douglas domino Galwydic consanguineo nostro Jacobo de Douglas domino de Dalketh Thoma de Erskyn consanguineis nostris dilectis militibus et Alexandro de Cocburne de Langtown custode

magni nostri [sigilli] : Apud Dunbretane sexto die Decembris anno regni nostri tertio : Cuius quidem carte transumptum seu copiam propter discrimina viarum et aliis periculis contingentibus cadem domina Mergareta de Buchanane a me notario publico infrascripto fieri petiit et redegi requisivit in publicum instrumentum : Et quia prefatam cartam cum sigillo suo annexo in omnibus punctis articulis conditionibus modis et sculpturis non rasam non abolitam nec in aliqua parte sui [viciatam] ut aperuit vidi et inspexi et coram subscriptis testibus perlegi ipsam de verbo ad verbum nichil addendo vel nimiendo quod sensum [mu]taret scu intell[ ] fideliter copiaui et scripsi in presens publicum instrumentum secundum quod in eodem superius continetur. Acta sunt hec in civitate Glasguensis anno mensc die indictione et pontificata suprascriptis ; presentibus venerabilibus et discretis viris magistris Nicholao dc Grynlaw decano et Gilberto de Mousfald canonico Glasguensis et Willielmo de Grynlaw scutifero testibus ad premissa vocatis specialiter et rogatus.

Et ego Johannes de Hawyk presbyter Glasguensis dioceseos publicus auctoritate imperiali notarius carte [ ] eiusdem quod inspection[ ] instrumenti requisitionem seu petitionem cum omnibus aliis et singulis punctis ac circumstantiis in ipsam contentis vnacum prenominatis testibus presens fui eandemque cartam vidi et audivi legi et intellexi ac in presens publicum instrumcntum redegi propria manu scripsi publicam signoque meo ct subscriptione solitis signum rogatus in fidem et testimonium omnium premissorum.

(*Abstract.*)

On 20th June 1414, the 7th indiction and 20th year of Pope Benedict XIII., Dame Margaret Buchanane of the diocese of Glasgow compeared in presence of John Hawyk, presbyter, of the said diocese, notary public by imperial authority, and [handed] to him a charter of Robert III., King of Scots, with the great seal attached, having on one side the figure of the King enthroned with the arms of the King of Scots, and on the other the figure of an armed man sitting on horseback holding in his hand a drawn sword. The charter makes known that King Robert has granted and confirmed to Adam Mure of Rowalane, knight, and Jonet Danielstoun, his spouse, the lands of Polnekel, Grey, Drumbwy, Clunch,

Clonyherb, Darclach and Bagraw with pertinents lying in the barony of Cunyngham and sheriffdom of Are, and the lands of Lemflare with pertinents in the sheriffdom of Lanark, which were the property of the said Adam Mure and spouse and which they of their own free will resigned into the hands of the king: To be held by the said Adam and Jonet and the longer liver of them and the heirs lawfully procreated or to he procreated between them, whom failing by the lawful heirs of the said Adam whomsoever, of the King and his heirs in fee and heritage in one whole and free barony to be called the barony of Polnekell, rendering therefor three suits at the three chief pleas of Irwyne and the service used and wont. The said Dame Margaret Buchanane desired the notary to make a transumpt or copy of the charter, and he having seen and inspected it and having found it neither erased nor abolished, and having read it, copied and wrote it word for word in this present public instrument. Done in the city of Glasgow in the year, month, day, indiction and pontificate above written.

(24)

TRANSUMPT OF CHARTER BY JAMES STEWART OF KYLBRYDE TO WILLIAM LECPREFWYKE of the office of serjeand and crowner of the regality of Kilbride, 12 January 1397-8. Transumpt dated 8 May 1456. (Original in Torrance Charter Chest.)

Vniuersis et singulis ad quorum notitias presentes litere peruenerint seu presens tangit negocium Simon de Dalgles precentor ac officialis Glasguensis generalis salutem in omnium saluatore: Nouerint vniuersi vos [*sic*] et singuli presentes pariter et futuri hoc presens transumpti publicum instrumentum inspecturi pariter et visuri quod nos ad prouidi viri Alexandri Lekprevyk de eodem instantiam omnes et singulos sua comuniter uel divisim interesse pretendentes quosque infrascriptum tangit negotium seu tangere poterit quomodolibet in futurum ad videndum et audiendum infrascriptam cartam nobilis et potentis domini Jacobi Seniscalli quondam domini baronie de Kylbryde eius sigillo vt apparuit per ceram rubeam infra albam in pergamino scriptam impendente produci ac recipi et postquam producta fuerit ad videndum et audiendum huiusmodi cartam transumi exemplari publi-

cari et in publicam transumpti formam reddigi mandari autoritatemque et decretum curie nostre et nostrum interponi vel dicendum et [*sic*] causam si quam habeant rationabilem quare premissa minime fieri deberent allegandum et probandum vt moris est citari per edictum publicum in valuis ecclesie cathedralis Glasguensis ad certum terminum publice affixum mandauimus et fecimus: Quoquidem termino aduenientc comparuit coram nobis dictus Alexander ipsorumque sic citatorum et non comparentium contumacias accusauit ac dictos contumaces reputari et in eorum contumaciam supradictam cartam sub tenore infrascripto exhibuit atque dedit quam transsumi exemplari publicari et in publicam formam redigi mandari auctoritatemque et decrctum curie nostre et nostrum per nos interponi debita cum instancia postulavit et hoc presertim propter ipsius carte vetustatem ac euentus fortuitos deperditionis videlicet et amissionis eiusdem carte originalis ac casus alios vbi propter malorum hominum insidias aliaque ignis aque et itineris pericula vel alias prefata carta originalis commode gestari non poterit: Nos tunc Simon officialis ac iudex prefatus supradictos citatos vocatos et non comparentes reputauimus non immerito quo ad actum et terminum huiusmodi id suadentes iusticia contumaces et in eorum contumaciam supradictam cartam ad manus nostras recepimus vidimus et diligenter inspeximus sanamque integram et illesam omnique prorsus vicio et suspicione carentem reperimus ipsamque per discretum virum Johannem de Restoune presbiterum scribam et notarium nostrum infrascriptum transsumi publicari et in hanc publicam formam redigi mandauimus et fecimus volentes ac auctoritate dicte curie et nostri decernentes quod huiusmodi transumpto in iudicio et extra iudicium ac vbique locorum de cetero detur et adhibeatur tanta fides quanta ipsi originali carte inferius de verbo ad verbum scripte et registrate ac cum presenti publico instrumento ascultate et collationate data sint et exhibita ac daretur et adhiberetur si in medium produceretur: Quibus omnibus et singulis supradictis tanquam rite et legittime celebratis ct factis in eodem

iudicio coram nobis autoritatem nostram judiciariam et ordinariam interposuimus ac presentibus interponimus pariter et decretum; tenor vero dicte carte vnde supra fit mentio sequitur et est talis: Sciant presentes et futuri nos Jacobum Senescalli dominum baronie de Kylbryde dedisse concessisse et hac presenti carta nostra confirmasse dilecto armigero nostro Willelmo de Lecprefwyke filio quondam Johannis de Lecprefwyke officium seriandi et hereditariam gubernacionem eiusdem per totam regalitatem dominii de Kylbryde velud in antiqua consuetudine habebatur in feodo et hereditate imperpetuum secundum infeodacionem donacionem et concessionem domini Johannis Cvmyne quondam domini de Kylbryde videlicet infeodauit concessit et donauit de omni aratro infra dictum dominium dimidiam bollam auenarum de omnibus seminantibus non habentibus aratrum ferlotam auenarum de omni sasina demidiam marcam vel superius vestimentum secundum velle recipientis de omni domisilio caseum compositum de lacte vnius diei cum singulo denario et de omni amerciamento curie duos solidos argenti; insuper et officium coronatoris ciusdem dominii cum omnibus punctis et articulis sibi iuste pertinentibus et libertatibus quibuscunque: Tenanda et habenda dicta officia seriandi et coronatoris dicto Willelmo heredibus suis et suis assignatis de nobis et heredibus assignatis et successoribus nostris quibuscunque cum omnibus commoditatibus eschaetis libertatibus et asyamentis ac justis suis pertinenciis quibuscunque tam non nominatis quam nominatis ad dicta officia seriandi et coronatoris spectantibus seu quouismodo spectare valentibus in futurum; eciam in quo quidem officio seriandi antecessores dicti Willelmi de Lecprefwyke feofati et vestiti decesserunt: Et nos vero dictus Jacobus heredes nostri assignati et successores nostri quicunque dicta officia vt premittitur dicto Willelmo de Lecprefwyke heredibus suis et assignatis contra omnes mortales warantizabimus acquietabimus et imperpetuum defendemus: In cuius rei testimonium sigillum nostrum est appensum apud Ruglen duodecimo die mensis Januarii anno Domini millesimo

tricentesimo nonogesimo septimo ; hiis testibus domino Jacobo de Coghrane canonico Dunkeldensi domino Galfrydo de Glen domino Brycio Tayt capellano parochiali de Rothglen Joachim de Lecprefwyke Jacobo de Foulford Stephano Young Thoma Johannis burgensibus de Rutherglen cum multis aliis : Sigillabatur uero dicta carta sigillo prefati Jacobi Seniscalli ut apparuit in quo sigillo sculptum erat vnum scutum et in medio eiusdem ab vno latere ad aliud vnum repagulum scaccariatum videlicet a barryt chekhar et in circumferentia eiusdem sculptum erat ' S. Jacobi Seniscalli ' : In quorum omnium et singulorum fidem et testimonium premissorum presentes litteras siue presens transumptum seu transsumpti publicum instrumentum exinde fieri et per notarium publicum nostrumque scribam transsumi exemplari et in hanc publicam formam redigi mandauimus sigillique nostri officii iussimus et fecimus appensione communiri : Datum et actum in ecclesia cathedrali Glasguensi loco consistoriali eiusdem die octaua mensis Maii anno ab incarnatione Domini millesimo quadringentesimo quinquagesimo sexto indictione quarta pontificatus sanctissimi in Christo patris ac domini nostri domini Kalisti diuina prouidencia pape tercii anno secundo ; presentibus ibidem circumspectis et discretis viris magistro Adam de Achinlec canonico Glasguensi dominis Andrea de Conynghame Roberto de Pettarii vicariis chori Glasguensis et Johanne de Conynghame burgensi burgi de Glasga cum diuersis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Johannes de Restone presbyter Glasguensis diocesis publicus auctoritate imperiali notarius ac scriba curie consistorialis Glasguensis premissis omnibus et singulis dum sic vt premittitur agerentur dicerentur et fierent vnacum prenominatis testibus presens interfui ; eaque sic fieri vidi et audiui et in notam sumpsi de inde presentes literas seu presens publicum instrumentum manu alterius scriptum confeci publicari et in hanc publicam formam redegi signoque et nomine meis solitis et consuetis me subscribendo vnacum sigillo officii officialatus Glas-

guensis de mandato ipsius domini officialis appensione signaui rogatus et requisitus in fidem et testimonium omnium premissorum.

(*Abstract.*)

Simon of Dalgles, precentor and official general of Glasgow, makes known to all those who shall inspect and see this present public instrument of transumpt that he, at the instance of Alexander Lekprevyk of that Ilk, caused to be cited to a certain term, by a public edict affixed to the doors of the Cathedral Church of Glasgow, all who pretended interest in the matter, in order to see and hear the charter aftermentioned produced and received and thereafter commanded to be transumed, exemplified, published and reduced to a public form of transumpt and the authority and decree of the court interponed, or to say if they have any reasonable cause why it should not be done; the said term having arrived, Lekprevyk compeared in presence of the judge and accused those cited and not compearing as contumacious, and having exhibited the charter he demanded that it be transumed and the authority of the court interponed as above, on account of its age and the accidents and perils to which it was liable; the judge reputed those cited and not compearing as contumacious, and having received the charter into his hands, which he diligently inspected and found sound, whole, uninjured, and altogether free from vice and suspicion, he commanded that it be transumed and reduced into this public form of transumpt by John Restoune, priest, writer and notary, decerned that in judgment and without as much faith be given to the transumpt if publicly produced as to the original with which it was compared and collated, and interponed his judicial and ordinary authority and decree thereto. By the charter confirmed, James Stewart, lord of the barony of Kylbryde, makes known that he has given and granted to his beloved esquire William Lecprefwyke, son of the late John Leckprefwyke, the office of sergeand and the hereditary rule thereof throughout the whole regality of the lordship of Kylbryde (in which his predecessors had died infeft and seised) as it was held by ancient custom, in fee and heritage for ever, according to the infeftment and grant of Sir John Comyne, the lord of Kylbryde, which granted from every plough within the lordship half a boll of oats, from all sowers not having a plough, a firlot of oats, from every sasine, half a merk or the best garment, at the will of the receiver, from every dwelling house, a cheese made from one day's milk with a penny, and from every amerciament of court, two shillings in silver; moreover he also granted to him the office of coroner of the said lordship with all points, articles and liberties pertaining to it; the said offices being held by Lecprefwyke and his heirs of the granter and his heirs with all commodities and liberties pertaining thereto. The transumpt also states that the charter was sealed with the seal of the said James Stewart on which was engraved a shield, and in the middle

thereof from one side to the other a 'barryt chekhar,' and round the circumference there was also engraved 'S. Jacobi Senescalli': Attested by the seal of office of the judge. Done in the consistory of the Cathedral Church of Glasgow on 8 May 1456 in the 4th indiction and in the 2nd year of Pope Calixtus third.

(25)

Obligation by Adam Gordon of that Ilk to William Barde of Kyrkwode for £61, 6s. 8d. Scots, 20 January 1398-9. (Original in Duntreath Charter Chest.)

Vniuersis pateat per presentes me Adam de Gordoun dominum eiusdem teneri et firmiter obligari Willelmo de Barde domino de Kyrkwode in sexaginta vna libris sex solidis et octo denariis monete Scocie causa puri mutui michi gratanter facti soluendis eidem Willelmo heredibus suis executoribus et assignatis has literas secum deferenti vel deferentibus apud Eddirhame ad festa Pentacostes et Sancti Martini in yeme per equales porciones proxima post datam presencium: Et si contingat me in tota vel in parte solucionis dicte summe pecunie ad dictos dies et locum deficere quod absit obligo me heredes meos terras meas et executores et omnia bona nostra mobilia et immobilia vbicunque fuerint inuenta fore distringenda capienda namanda abducenda et ad voluntatem dicti Willelmi heredum suorum vel assignatorum vendenda sine licencia cuiuscunque iudicis ecclesiastici seu secularis quousque tam de dampnis laboribus et expensis quos vel quas ipse vel ipsi sustinuerit vel sustinuerint ob defectum solucionis dicte summe pecunie ad dictos dies et locum non solute quam de principali debito sibi fuerit satisfactum; nullo remedio iuris canonici seu ciuilis aut regni consuetudinis in contrarium proponendo obstante: In cuius rei testimonium sigillum meum presentibus est appensum apud Eddirhame vicesimo die mensis Januarij anno Domini millesimo ccc^mo nonagesimo octauo.

(*Abstract.*)

Adam Gordoun, lord of that Ilk, makes known that he is bound and firmly obliged to William Barde, lord of Kyrkwode, for the loan of

£61, 6s. 8d. Scots, which is to be repaid to him, his heirs, executors and assignees, holders of these letters, at Eddirhame by equal portions at Whitsunday and Martinmas after the date hereof. Should Gordoun fail in repayment of the said sum at the said terms his goods may be distrained and pounded at the will of the said William Barde, who may sell the same without the consent of any judge, ecclesiastical or secular, until he is satisfied for the principal debt and expenses, notwithstanding any remedy of law, canon or civil, or custom of the kingdom which may be proponed to the contrary.

(26)

CHARTER BY ROBERT III. TO ANDREW PANTER, BURGESS OF MONROS, AND WILLIAM OF CRAWMONDE of part of Inyhane, Little Carcary and others, 23 February 1400-1.

Robertus Dei gracia Rex Scotorum omnibus probis hominibus tocius terre sue clericis et laycis salutem : Nuper apud Dunfermlyn Anna Portare de Monros per procuratores suos ad hoc constitutos non vi aut metu ducta nec errore lapsa set mera et spontanea voluntate sua nobis sursum reddidit et resignauit totum ius et iuris clameum quod ipsa habuit uel habere potuit in tercia parte terre de Inyhane necnon in octaua parte et sextadecima parte terre de Litill Carcary ac in tercia parte vnius marce monete nostre et in sexta parte eiusdem marce annui redditus exeuntis de Balnamone ac in nona parte et decima octaua parte terre de Kynnarde infra vicecomitatum de Forfar pro se et heredibus suis omnino quietum clamauit pro perpetuo : Quod quidem ius nobis sursum datum ut premittitur necnon et omne ius quod nobis competit aut competere potuit ex aliqua iniusta alienacione preterita facta de eisdem terris et annuo redditu dedimus et concessimus fidelibus nostris Andree Panter burgensi de Monros et Willelmo de Crawmonde proporcionaliter per equales porciones : Tenenda et habenda eisdem Andree et Willelmo eorum heredibus et assignatis de nobis et heredibus nostris in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas cum omnibus commoditatibus libertatibus et

aysiamentis ac iustis pertinenciis suis quibuscunque libere quiete bene et in pace: Faciendo inde nobis et heredibus nostris dicti Andreas et Willelmus eorum heredes et assignati seruicia debita et consueta: In cuius rei testimonium presenti carte nostre nostrum precipimus apponi sigillum; testibus venerabilibus in Christo patribus Waltero episcopo Sanctiandree Gilberto episcopo Abirdonensi cancellario nostro carissimo primogenito nostro Dauid duce Rothissaie comite de Carric et Atholie Roberto duce Albanie comite de Fyfe et de Menetetht fratre nostro germano Archebaldo comite de Douglas domino Galwidie Jacobo de Douglas domino de Dalkeith et Thoma de Erskyne consanguineis nostris dilectis militibus: Apud Sconam tempore parliamenti nostri ibidem tenti vicesimo tercio die mensis Februarii anno regni nostri vndecimo.

(*Abstract.*)

Robert, King of Scots, narrates that recently at Dunfermlyn Anna Portare of Monros by her procurators, of her own free will, resigned all right and claim which she had or might have in one-third part of the lands of Inyhane, one-eighth part and one-sixteenth part of the lands of Little Carcary, one-third part and one-sixth part of one merk Scots of annual rent furth of Balnamone, and one-ninth part and one-eighteenth part of the lands of Kynnarde within the sheriffdom of Forfar; which right so resigned, and also any right competent to him on account of any unjust alienation made in times bygone of the said lands and annual rent, the King grants to Andrew Panter, burgess of Monros, and to William Crawmonde in equal portions: To be held *de nobis* for services used and wont.

NOTES

LIST OF ABBREVIATIONS

Aberbrothoc (Nigrum).—*Liber S. Thome de Aberbrothoc, Registrum Nigrum.* Bannatyne Club.

Aberbrothoc (Vetus).—*Liber S. Thome de Aberbrothoc, Registrum Vetus.* Bannatyne Club.

A.D.C.—*Acta Dominorum Concilii.* MS. in Register House.

Ant. A.B.—Illustrations of the Topography and Antiquities of the Shires of Aberdeen and Banff. 4 vols. Spalding Club.

A.P.—The Acts of the Parliaments of Scotland. 12 vols. Record Commissioners.

C.D.S.—Calendar of Documents relating to Scotland, 1108-1509. Edited by Joseph Bain. 4 vols.

C.P.R., Letters.—Calendar of Entries in the Papal Registers relating to Great Britain and Ireland. 11 vols. Papal Letters.

C.P.R., Petitions.—Calendar as above. 1 vol. Petitions to the Pope.

Crawford, *Peerage.*—The Peerage of Scotland, by George Crawford. 1 vol. (1716).

Davidson's *Inverurie.*—Inverurie and the Earldom of the Garioch, by Rev. J. Davidson.

Douglas, *Baronage.*—The Baronage of Scotland. Edited by Sir Robert Douglas of Glenbervie, Bart. 1 vol. (1798).

Douglas, *Peerage.*—The Peerage of Scotland, by Sir Robert Douglas of Glenbervie. 2 vols. Second Edition (1813).

Dowden's *Bishops.*—The Bishops of Scotland, by the Right Rev. John Dowden, D.D., Bishop of Edinburgh.

Dryburgh.—*Liber S. Marie de Dryburgh.* Bannatyne Club.

Du Cange.—*Glossarium Mediæ et Infimæ Latinitatis,* by Carolo du Fresne, Domino du Cange. 10 vols.

Dunfermline.—*Registrum de Dunfermelyn.* Bannatyne Club.

E.R.—The Exchequer Rolls of Scotland, 1264-1600. 23 vols.

Fraser's *Carlaverock.*—The Book of Carlaverock, by William Fraser.

Fraser's *Douglas.*—The Douglas Book, by William Fraser, LL.D. 4 vols.

Fraser's *The Melvilles.*—The Melvilles, Earls of Melville, and the Leslies, Earls of Leven, by Sir William Fraser, K.C.B. 3 vols.

Fraser's *Pollok*.—Memoirs of the Maxwells of Pollok, by William Fraser. 2 vols.

Fraser's *Southesk*.—History of the Carnegies, Earls of Southesk, and of their kindred, by William Fraser. 2 vols.

Fraser's *Wemyss*.—Memorials of the Family of Wemyss of Wemyss, by Sir William Fraser, K.C.B. 3 vols.

H.M.C.R.—Historical Manuscripts Commission: Reports.

Holyrood.—*Liber Cartarum Sancte Crucis*. Bannatyne Club.

Kelso.—*Liber S. Marie de Calchou*. 2 vols. Bannatyne Club.

Laing's *Seals*.—Descriptive Catalogue of Impressions from Ancient Scottish Seals, by Henry Laing. 2 vols. Bannatyne and Maitland Clubs.

Melros.—*Liber Sancte Marie de Melros*. 2 vols. Bannatyne Club.

M.U.G.—*Munimenta Alme Universitatis Glasguensis*. 4 vols. Maitland Club.

Neubotle.—*Registrum S. Marie de Neubotle*. Bannatyne Club.

Nisbet's *Heraldry*.—A System of Heraldry, by Alexander Nisbet. 2 vols. (1816.)

O.P.S.—*Origines Parochiales Scotiæ*. 2 vols. Bannatyne Club.

Paisley.—*Registrum Monasterii de Passelet*. Maitland Club.

Palgrave.—Documents and Records illustrating the History of Scotland and the Transactions between the Crowns of Scotland and England preserved in the Treasury of Her Majesty's Exchequer. Collected and edited by Sir Francis Palgrave. 1 vol.

P.S.A.—*Liber Cartarum Prioratus Sancti Andree in Scotia*. Bannatyne Club.

P.S.A.S.—Proceedings of the Society of Antiquaries of Scotland.

R.E.A.—*Registrum Episcopatus Aberdonensis*. 2 vols. Spalding Club.

R.E.B.—*Registrum Episcopatus Brechinensis*. Bannatyne Club.

R.E.G.—*Registrum Episcopatus Glasguensis*. 2 vols. Bannatyne and Maitland Clubs.

R.H.C.—MS. Calendar of Charters preserved in H.M. General Register House, 1142-1591. 13 vols.

R.H.M.—*Registrum Honoris de Morton*. 2 vols. Bannatyne Club.

R.M.S.—*Registrum Magni Sigilli Regum Scotorum*, 1306-1668. 11 vols.

R.S.—*Rotuli Scotiæ in Turri Londinensi et in Domo Capitulari Westmonasteriensi asservati*, 1291-1516. 2 vols.

Rymer's *Fœdera*.—*Fœdera, Conventiones, Litteræ et cujuscunque generis Acta Publica inter Reges Angliæ et alios quosvis Imperatores, Reges, Pontifices Principes vel communitates. . . . Cura et studio Thomæ Rymer*. New Edition.

S.H.S.—Scottish History Society.

S.P.—The Scots Peerage. Edited by Sir James Balfour Paul. 9 vols.

S.T.S.—The Scottish Text Society.

(1)

Thomas Ranulphi comes Morauie. A nephew of Robert the Bruce; created Earl 1312; died 1332. He was taken prisoner at the battle of Methven and delivered into the custody of Sir Adam Gordon, *infra* (*S.P.*, vi. pp. 291-5).

Domino Ade de Gordun militi. An ancestor of the Earls of Huntly. In 1296 he paid homage to Edward I. and continued his allegiance till 1313, when he joined Bruce. He died *circa* 1329. (*Ibid.*, iv. pp. 510-13.)

Willielmo filio suo. The second son of Sir Adam; ancestor of the Gordons of Lochinvar, Viscounts Kenmure. (*Ibid.*, v. p. 98.)

Stitchill. In the parish of that name and shire of Roxburgh. On 4 March 1308-9 the vill of Stitchill forfeited by Randolph was committed by Edward I. to Gordon and after his defection to Hugh le Despenser, junior, on 12 June 1314. The battle of Bannockburn twelve days later cancelled the grant and the lands reverted to Randolph (*C.D.S.*, iii. Nos. 76, 362; *S.P.*, iv. pp. 510-12, vi. pp. 291, 292).

Domino Jacobo de Douglas. The 'good Sir James,' one of the heroes of the Scottish War of Independence. (*Ibid.*, iii. pp. 142-6.)

Domino Alexandro Seneschalli. Of Boncle; grandson of Alexander, the fourth High Steward and father of the first Stewart, Earl of Angus; died *circa* 1319. (*Ibid.*, i. p. 169.)

Domino Roberto de Keth. Marischal of Scotland and ancestor of the Keiths, Earls Marischal; killed at the battle of Durham, 17 October 1346. (*Ibid.*, vi. pp. 30-3.)

Domino Edwardo de Letham. Probably a grandson of John de Letham, a vassal of Patrick, third Earl of Dunbar, who *circa* 1269 made a grant of the lands of Letham to his son Ketel. The lands are in the parish of Eccles and seem to have continued in the hands of the family until 1437. He witnessed two charters by Patrick, Earl of Dunbar and March. (*H.M.C.R.*, xii. p. 173; *Melros*, ii. p. 331; *R.H.C.*, No. 60.)

Domino Henrico de Halibortun. An ancestor of the Lords Haliburton of Dirleton. (*S.P.*, iv. p. 331.)

Domino Johanne de Laundelis. Jone de Laundales of the county of Rokesburk made homage to Edward I. in 1296, and was in the garrison of Roxburgh on 5 January 1309-10. (*C.D.S.*, ii. p. 203, iii. No. 121.)

Roberto de Lawedir, clerico. On 4 March 1315-16 he had a charter from John Graham of Abreeorn of his dominical lands in the tenement of Dalkeith and of the lands of Coldenfeld, and on 8 March Robert I. confirmed the grant of the latter subject. He witnessed a charter by Patrick, Earl of March, to the Abbey of Dryburgh in 1317, and is pro-

bably identical with Robert Lauder, *tunc nostro seneschallo*, who witnessed a charter by the said Earl to the Monastery of Melrose about the same period. The author of *The Lawders of the Bass* (p. 13) identifies him with Sir Robert Lauder of the Bass (p. 53, *infra*) who received charters from Robert I. of lands in East Lothian and was Justiciar of Lothian and Chamberlain of Scotland. It is not improbable that they were the same, but no record evidence has been found to confirm his identification. The fact that he is designed *clericus* would imply that he had received the tonsure, but the term was occasionally applied loosely to men of learning. (*R.H.M.*, i. pp. 12-15; *R.M.S.*, i. No. 62; *Dryburgh*, p. 233; *Melros*, ii. p. 331.)

Johanne de Kalabcc. His name appears as John de *Kalabre* in an Inventory of Stitchell Writs preserved in the Lyon Office in which the names of the witnesses to this charter are given. There is a Cala Burn in the parish of Wilton which might conceivably have been called Calabec at an earlier period, and there was a Caldebec in the parish of Spot (*Melros*, i. p. 47). On the other hand, Calabre appears as a surname in the reign of David II. (*C.D.S.*, ii. and *R.S.*, i. *ad indices*).

Date: after Bannockburn (24 June 1314) and before the granting of No. 2.

(2)

Bernardo abbate de Abirbrothock. Bernard de Linton, abbot, 1311-28; chancellor, 1308-28; bishop of Sodor, 1328-31. (*Aberbrothoc* (*Vetus*), p. xv; Dowden's *Bishops*, pp. 281, 282.)

Gilberto de Haya. Ancestor of the Earls of Erroll and the first of the family to hold the office of Constable of Scotland. He died in April 1333. (*S.P.*, iii. p. 559.)

Willielmo Olifaunt. Ancestor of the Lords Oliphant; died 5 February 1329-30. (*S.P.*, vi. pp. 533, 534.)

Malcolmo de Innerpephry. Sheriff of Clackmannan and Auchterarder; prisoner in the Tower in 1311. (*C.D.S.*, ii. Nos. 1691, 1858; iii. No. 218.)

(3)

Duncanus comes de Fyf. Tenth Earl of Fife, 1288-1353. (*S.P.*, iv. pp. 11-12.)

Johanni Monipeny. Probably of the ancient family of Monypenny of Pitmillie in Fife from which the Lords Monypenny were descended. A John Monipenny witnesses two charters by Duncan, Earl of Fife, and

another by Sir Michael Wemyss *circa* 1328-32. (Fraser's *Wemyss*, ii. pp. 12, 265, 266 ; *S.P.*, vi. p. 275 ; Stephen's *Hist. of Inverkeithing*, p. 125.)

Rothmelry. Rameldry in the parish of Kettle, Fife. No other mention of John de Rothmelry has been found.

Ladefferne. Lindifferon in the parish of Monimail, Fife. There is a tradition that the ancient Earls of Fife had a castle on the site of the present tower of Fernie which is quite near to Lindifferon. Malcolm, sixth Earl of Fife, granted a charter to Sir Ness Ramsay of the lands of Lediferin *circa* 1210. (*H.M.C.R.*, viii. p. 304.)

Hyltoun. Hilton of Kirkforthar, in the parish of Kettle.

Drumy. In the parish of Kettle.

Catyll. Kettle, in the parish of the same name. Malcolm IV. granted to Duncan, fifth Earl of Fife, 1159-60, *totam firmam meam de Cattell in liberum maritagium* with Ada his niece (Sibbald's *Hist. of Fife and Kinross*, 1803, p. 228).

Hominesque illorum . . . blada sua molere . . . suis loeis. 'The neighbours fought not only with the miller, who was the universal enemy, but with each other as to their *roume* and order of service' (Innes' *Scotch Legal Antiquities*, p. 47). Strict regulations were frequently laid down regarding the order of precedence of those thirled to the mill (*Kelso*, i. pp. 19, 118, 225 ; ii. pp. 288, 303, 382).

Johanne Dei gracia priore Sancti Andree. John de Forfar succeeded Adam de Machane, who died on 14 August 1313. He was elected on the feast of the beheading of John the Baptist (29 August), being at that time vicar of Lochrise and chamberlain of William de Lamberton, bishop of St. Andrews. He died on 23 September 1321. (*Scotichronicon à Goodall*, i. p. 369.)

David de Lyndesay. Lord of Crawford and of the Byres ; ancestor of the Lindsays, Earls of Crawford. (*S.P.*, iii. p. 10.)

Michaele de Wemys. An ancestor of the Earls of Wemyss. He was the third laird and is supposed to have died *circa* 1320. (*Ibid.*, viii. p. 478 ; Fraser's *Wemyss*, i. pp. 18-24.)

David de Wemys. A son of the preceding. (*Ibid.*)

Michaele de Balwery. Probably Sir Michael Scott of Balweary whose father married the daughter and sole heiress of Sir Richard Balweary, with whom he got the lands and barony of that name which then became the territorial designation of the family. Douglas is wrong in stating that he died about 1300, as he served on an inquest in 1305. (Douglas, *Baronage*, p. 303 ; *C.D.S.*, ii. No. 1670.)

Date : the period of office of the first witness gives the limiting dates.

(4)

Walterus seneseallus Scocie. The sixth High Steward of Scotland; father of Robert II.; born 1292, died 1326. (*S.P.*, i. p. 14.)

Johanni de Sancto Claro. He is probably the second son of Sir Henry St. Clair of Roslin, *infra*, and accompanied his brother William in the expedition to the Holy Land with the heart of Bruce. He was slain in Spain on 25 August 1330. (*S.P.*, vi. p. 566; *E.R.*, i. p. lxxviii.)

Valleto. An esquire or shield-bearer. 'Valeti appellati vulgo magnatum filii qui necdum militare cingulum erant consecuti' (Du Cange, s.v. Valeti).

Maxtona. In the parish of the same name in the county of Roxburgh. On the forfeiture of William de Soules, Robert I. granted the barony of Maxton to Walter the High Steward (*R.M.S.*, i. Ap. ii. No. 519).

Roberto de Lauwedir. Of the Bass (*The Lawders of the Bass*, p. 13-16). Cf. p. 51 *supra*.

Eustachio de Maxwell. Of Carlaverock; an ancestor of the Maxwells, Earls of Nithsdale. (*S.P.*, vi. 472; Fraser's *Carlaverock*, i. pp. 94-105.)

Thoma de Someruilla. Probably the younger son of Sir Thomas de Somerville of Linton, an ancestor of the Lords Somerville. He succeeded his brother William in 1336. (*S.P.*, viii. p. 5.)

Alexandro de Setona. Of that Ilk; an ancestor of the Setons, Earls of Winton. This may, however, be his son Alexander, who was knighted about the time of the granting of this charter. (*S.P.*, viii. pp. 563-9.)

Jaceto de Scheringlaw. He owned lands in the county of Lanark, and in 1310 was a member of the garrison of Roxburgh Castle. There was a family of Scheringlaw in Roxburghshire. (*C.D.S.*, ii. p. 427, No. 832; iii. p. 24.) For his appearance as witness see *Melros*, ii. p. 368, and *Kelso*, ii. pp. 369, 370.

Henrico de Balliolo. Of Cavers; sheriff of Roxburgh. (*E.R.*, i. p. 106; *The Genealogist*, New Series, iv. p. 189.)

Ricardo de Rotherford. An ancestor of the Lords Rutherford. (*S.P.*, vii. 366.)

Eustachio de Loreyn. He owned lands in the sheriffdoms of Roxburgh, Dumfries and Ayr, which he forfeited probably on account of his delivering Roxburgh Castle to the English. (*R.M.S.*, i. Nos. 293, 463.) This must have been in the early years of David II.'s reign, as in 1343 he received an annual grant of 100 merks from Edward III. for his allegiance until he recovered his lands. (*C.D.S.*, iii. No. 1410.)

Date: between *c.* 1320, when John de Lindesay was infeft in Maxton, and 1326, when the granter died.

(5)

Printed in Father's Hay's *Genealogie of the Sainteclaires of Rosslyn*, 1835, p. 50. The text is, however, rather inaccurate.

Wilelmi Episcopi Dunkeldensis. William Sinclair, brother of Sir Henry Sinclair, *infra*; elected 1309; confirmed and consecrated 1312; died 27 June 1337. (Dowden's *Bishops*, pp. 61-3.)

Gilbertum de Gardino. In 1296 there were two persons of this surname owners of land in the shire of Edinburgh, but no connection has been found between them and Gilbert, nor has any other reference to him or his wife or sons been found. The *Genealogie* gives the wife's name as Constance. (*C.D.S.*, ii. No. 832, p. 209.)

Dominum Henricum de Sancto Claro. Second of Roslin. On 26 August 1317 Edward de Gouyrton granted permission to Roger de Hauewod, his tenant, to sell his land in the tenement of Gouyrton to Sir Henry. (*The St. Clairs of the Isles*, pp. 282-4; *S.P.*, vi. pp. 565, 566; *Neubotle*, p. 306.)

Medietate terre partis orientalis de Gouertounlaw. The other half pertained to the family of Lisuris of Gourton. (*C.D.S.*, iii. pp. 334, 381; *Neubotle, ad indices.*) Gouertoun or Gourton is in the parish of Lasswade. Gouertounlaw is probably Gortonlee in that parish.

Wilelmi abbatis de Neubotill. This appears to be the earliest mention of him. He was still abbot on 2 December 1345. (*Holyrood*, p. 93.) For description of his seal see *C.D.S.*, iii. p. 216.

(6)

Printed in Father Hay's *Genealogie of the Sainteclaires of Rosslyn*, p. 51. The pension was said to be for the losses which Sir Henry sustained in the recent wars and was confirmed to Sir William de St. Clair, his grandson, by David II. (*Ibid.*, pp. 51-3.) Pensions were also granted to his sons William and John, who accompanied Sir James Douglas on his expedition to Palestine with the heart of Bruce. (*E.R.*, i. p. lxxvii.)

(7)

Thomas Sybbalde dominus de Balgoueny. He is the first recorded owner of the lands of Balgonie which were held by the Sibbalds till about 1450, when they passed through the marriage of an heiress to the family of Lundie. Balgonie is in the parish of Markinch. It was sold in 1824 to James Balfour of Whittinghame. (Fraser's *The Melvilles*, i. pp. liii, 434; Sibbald's *Hist. of Fife and Kinross*, 1803, p. 368; Nisbet's *Heraldry*, i. p. 125.)

Petro de Balfur. This ancient Scottish surname is derived from the lands of Balfour in the parish of Markinch, the ancient owners of which are traditionally said to be descended from Siward, uncle of Duncan I.

Dovyn ; Estir Dovyn. Devon, in the parish of Kettle.

Alano abbate de Balmurynach. There were two abbots of this name. Alan I. was abbot at the foundation and died in 1236. Alan II. is mentioned in an Agreement of 1317. (*Lib. de Balmorinach*, Abbotsford Club, No. 34; Campbell's *Balmerino and its Abbey*, 1899, pp. 110-29, 190-206.)

Dominis Michaele de Wemys et Dauyd de Wemys militibus. See p. 52 *supra.*

Domino Johanne de Douery rectore ecclesie de Creycht. Douery is a form of Durie.

Malcolmo de Balneward. Perhaps Malcolm Ramsay of Balnewarg who on 9 January 1316-17 witnessed the homage of Duncan, Earl of Fife, to the Abbot of Dunfermline. (*Dunfermline*, p. 236.)

Malcolmo de Ramesai de Balcurvay. Balcurvay is in the parish of Markinch. A Malcolm de Ramesey witnessed in 1284 a charter by William de Valoniis to the Priory of St. Andrews of a meadow at Markinch. (*P.S.A.*, p. 421.)

Alexandro de Betun. Macfarlane (*Gen. Coll.*, i. p. 20) states that the seal of Alexander Betune is appended to the Decreet of Forfeiture passed in the Parliament held at Cambuskenneth in 1314. The original is preserved in the Register House (*State Papers*, No. 6), but the seals have disappeared. Sir James Balfour made a copy when the document was entire, and in the list of those whose seals are appended Betun's Christian name is given as Archibald, but Balfour was by no means a trustworthy transcriber (*A.P.*, i. pp. 289, 290). Hector Boece states that Betun was slain at the battle of Duplin in 1332 (*Scotorum Historiae*, lib. xv).

Date: *c.* 1320. *Burke's Landed Gentry* (1914 Edition) states that the charter 'must have been given about 1390' (p. 82), but the names of the first three witnesses make such a date impossible. Sir Michael de Wemys, the second witness, died not later than 1320.

(8)

Hugonem de Musbrish ; Stephani de Musbris. In an abstract printed in *H.M.C.R.*, *Var. Coll.*, v. p. 77, the surname appears as Musbrigh, which is undoubtedly correct and is the modern Mousebrig in the parish of Lanark.

The Mouse runs through the parish from east to west, dividing the parish into two distinct parts. It is crossed by several bridges (*P.S.A.S.*, 1912-13, pp. 237-48), but the one here referred to is where the Roman road crossed the river near Cleghorn (*Rec. Burgh of Lanark*, Burgh Rec. Soc., Plan facing p. 324).

Domino Willelmo de Leuyngestoun militi. Of Gorgie, Craigmillar and Drumry; ancestor of the Earls of Linlithgow and of the Livingstons, Viscounts Teviot. (*The Livingstons of Callendar*, 1920, p. 25; *S.P.*, v. p. 422; viii. p. 368.)

Domine Elene de Carantelie. She did homage to Edward I. for lands in the sheriffdom of Lanark (*Palgrave*, i. p. 300). Robert I. granted to Elene de Quarantley a charter of the lands of Bellitstan and Grunley, in the forest of Maldisley, in excambion for her manor and orchard in the burgh of Lanark which were enclosed by a wall *in circuitu* (*R.M.S.*, i. No. 76). In the *Livingstons of Callendar* (p. 11) it is suggested that she was the wife of Sir Andrew de Livingston, sheriff of Lanark, and mother of Sir William de Leuyngstoun *supra*, but it is unlikely that the suggestion is correct, as in 1319 she was the wife of James de Cuningham, knight. In that year there was a Papal Mandate to grant a dispensation for the marriage, which had already taken place, and to legitimise the children, and in 1322 the dispensation was granted (*Vatican Transcripts, Dispensations*, Reg. Ho., pp. 7, 16).

Sigillum commune burgi de Lanarc. See Laing's *Seals*, ii., Nos. 1239, 1240.

Godefrido de Ros. He was sheriff of Ayr in 1334 (*Scotichronicon à Goodall*, ii. p. 316), but it was probably his father who was appointed sheriff by Edward I. in 1305 (*C.D.S.*, ii. No. 1691 (3)). His younger son John was the founder of the family of Ross of Halkhead, who were afterwards ennobled under the title Lord Ross of Halkhead (*S.P.*, vii. p. 247). Sir Godfrey, according to one chronicler, was killed by Maurice de Moravia (*infra*) in 1335, but there is no official reference to his death till 1344. (*C.D.S.*, iii. Nos. 1432, 1435.)

Simone Loccard; Johanne Loccard. Sir Simon was of Lee and Cartland. He is said to have accompanied Sir James Douglas on his expedition to Palestine with the heart of Bruce. Sir John was perhaps his son. In February 1316-17 a Simon Lockhart and John his son were captured with other Scotsmen when plundering and burning in Tynedale and placed in Mitford Castle (Douglas, *Baronage*, p. 324; *C.D.S.*, iii. No. 539).

Mauricio de Morrauia tunc vicecomite de Lanarc. He was a son of Sir John Moray of Drumsargard, and in 1344 was created Earl of Strathearn. He slew Godfrey Ross *supra*. (*S.P.*, viii. pp. 255-8; *Aberbrothoc* (*Vet.*), p. 228.)

Gilberto Clerico. One of the provosts of the burgh of Lanark in 1330. (*E.R.*, i. pp. 269, 300 ; *Rec. Burgh of Lanark*, p. 376.)

Galfrido Duneys. The surname appears as Anneys in abstract printed in *H.M.C.R.*, *Var. Coll.*, v. p. 77.

Date : the feast of St. Luke the Evangelist is upon 18 October. In 1334 it fell on a Tuesday, so that the Monday after it was 24 October.

(9)

Willelmo de Leuyngystoun militi. Son of Sir William Livingston of Gorgie (*supra*) ; founder of the house of Callendar and ancestor of the Earls of Linlithgow. (*S.P.*, v. p. 423 ; *The Livingstons of Callendar*, 1920, pp. 25-32.)

Willelmo filio suo. This charter clears up an important point in the genealogy of the Livingstons, Earls of Linlithgow. E. B. Livingston was of opinion that Sir William *supra* was succeeded in the estate of Callendar by his son John (*The Livingstons of Callendar*, p. 31), but it is now clear that Crawford (*Peerage*, p. 275) was right in making William the next in succession. It is not improbable, in view of the terms of the letter of curatory of 26 December 1400 [? 1402] (*A.D.C.*, xviii. part ii. fol. 90), that Crawford was also right in making John a son, not a brother, of the second William. (Cf. Douglas, *Peerage*, ii. p. 123 ; *S.P.*, v. p. 424.)

Baroniam de Kalentyre. This barony (formerly Calatria, now Callendar) comprised the territory between the Avon and the Carron and included the parishes of Falkirk, Polmont and Muiravonside and part of Slamannan. It was formerly a Thanage. (Skene's *Celtic Scotland*, i. pp. 256, 424 *n* ; Lawrie's *Early Scottish Charters*, p. 349.)

Patricii de Kalcntyre. Forfeited for his adherence to Balliol. Sir William Livingston married his daughter and heiress Christian.

Roberto senescallo Scocie. Robert II., King of Scots, 1371-90.

Johanne Ranulphi comite Morauie. Third Earl of Moray, 1332-46. (*S.P.*, vi. p. 295.)

Patricio de Dunbarr comite Marchie. Ninth Earl of Dunbar and second or fourth of March. (*Ibid.*, iii. pp. 264-9.)

Malcolmo Flemyng comite de Wygtoun. Sir Malcolm Fleming of Fulwood and Cumbernauld, created Earl of Wigtown 9 November 1341. (*Ibid.*, viii. pp. 520-3.)

Thoma de Carnoto cancellario. Sir Thomas Charteris of Kinfauns. Chancellor, 1340-6 ; killed at the battle of Durham (or Neville's Cross), 17 October 1346. (*E.R.*, i. pp. lxxv *n*, 464.)

(10)

Johanni de Rate filio quondam Johannis de Rate. According to Nisbet, the first Rait settled in the Mearns during the reign of Robert III. when Sir Alexander Rait fled from Nairn after killing the Thane of Calder, and he also states that his son Mark married the heiress of Hallgreen (*Heraldry*, i. p. 123). It is clear, however, that the surname was common in the Mearns at a much earlier date, and as Hallgreen is quite close to Bervie there may have been a connection between this burgess family and the owners of Hallgreen.

Burgo de Inuerberuy. Erected into a royal burgh by David II., probably after he landed there on 2 June 1341 on his return from France; renewed by James VI., 4 November 1595. (*R.M.S.*, 1593-1608, No. 364.)

Sancti Martini; ecclesie Sancte Marie. These dedications are not noted by Mackinlay in his *Ancient Church Dedications in Scotland*, but he states that the Carmelites had a friary in the burgh, and many of their churches were dedicated to the Virgin Mary (pp. 162-3).

Sigillo communi dicti burgi. It is not described in any of the printed Catalogues of Seals. The arms of the burgh are *Azure, a rose argent.* (*The Arms of the Royal and Parliamentary Burghs of Scotland*, p. 34.)

Phillipo de Aberbuthnot domino eiusdem. Ancestor of the Arbuthnotts, Viscounts of Arbuthnott. (*S.P.*, i. p. 276.)

Date: there is very little from which to fix the date, but probably *c.* 1350-60 after Philip de Aberbuthnot succeeded his father.

(11)

Johannes Senescalli filius et heres domini Walteri Senescalli militis quondam domini de Dalswyntoun. Sir Walter was the third son of Sir John Stewart of Bonkyl and a grandson of Alexander the fourth High Steward. He was ancestor in the female line of the Stewarts of Garlies, Earls of Galloway. In 1324-5 (A.R. 19) he had a grant from Robert I. of the barony of Dalswintoun which formerly belonged to John Comyn, who was forfeited for his adherence to Edward II. He was killed at the battle of Halidon Hill on 19 July 1333. John Stewart was taken prisoner at the battle of Durham on 17 October 1346. He was warden of the West Marches in 1360. (Stewart's *Galloway Records*, i. pp. 28, 29, 37, 151; *R.M.S.*, i. App. ii. No. 323 and *n*; *C.D.S.*, iii. No. 278, iv. No. 47.)

Willelmo Mawtaland. A son of Robert Maitland of Thirlestane, ancestor of the Maitlands, Earls of Lauderdale. (*S.P.*, v. pp. 281, 282.)

Terram meam de Ormystoun. In the parish of Innerleithen. For the subsequent history of the property see Buchan and Paton's *Hist. of Peeblesshire*, ii. pp. 409-13.

Festum nativitatis Sancti Johannis Baptiste. 24 June.

Rogero de Kirkpatrik tunc vicecomite de Dunfres. It is difficult to identify this witness. Was he Sir Roger, 'Mak Siccar,' who is said to have despatched the Red Comyn after Bruce had stabbed him in the Church of the Greyfriars at Dumfries in 1306, or Roger of Torthorwald, who with John Stewart of Dalswinton is mentioned in a charter of 1356? The printed pedigrees of the families of Kilpatrick of that Ilk and of Closeburn are vague and unsatisfactory in their accounts of the former. It seems hardly possible that Bruce's companion of 1306 should take an active part in the capture of the castles of Dalswinton and Carlaverock from the English *c.* 1355, and that he should be identical with the Roger Kilpatrick who was slain at the latter castle by Sir James Lindsay in 1357, yet more than one writer on the family assert this. As the charter must have been granted *c.* 1333-5 it comes within the period of 'Mak Siccar's' lifetime, so the probability is that he is identical with this witness. It seems more probable that Roger of Torthorwald was a son of 'Mak Siccar.' (*H.M.C.R.*, xv. part viii. p. 43; *C.D.S.*, iii. No. 1072.)

Thoma de Kirkpatrik. Probably of Closeburn.

Jacobo de Thuedi. Probably the James of Tweedy who in 1355 received Letters of Regress from Robert, Steward of Scotland, lieutenant of the King. He was owner of the lands of Drumelzier and Hopkailzie, the latter being in the parish of Traquair which adjoins Innerleithen. (*H.M.C.R.*, *Var. Coll.*, v. p. 9; *Hist. of Peeblesshire*, iii. p. 423.)

Johanne de Cauldcotys. In 1335-6 part of the barony of Sempring was in the hands of Edward III. by reason of the minority of the heir of Robert de Caldecotes. The heir was probably the above witness, who *c.* 1388 granted a charter to his son William and Christian, daughter of Walter de Twedy, his spouse, of the lands of Sympryne. Caldcoat is the old name for Macbiehill, in the parish of Newlands. (*C.D.S.*, iii. p. 323; *R.H.C.*, i. No. 194.)

Willelmo episcopo Sancti Andree. William de Landallis, bishop, 1342-1385. (Dowden's *Bishops*, pp. 25-7.)

Willelmo episcopo Dunblanensi. Bishop, 1347-61. (*Ibid.*, 203.)

Patricio episcopo Brechinensi cancellario nostro. Patrick de Locrys, bishop, 1351-83; chancellor *c.* 1355–*c.* 1370. (*Ibid.*, p. 182-3.)

Patricio comite Marchie. See p. 57 *supra*.

Thoma Senescallo comite de Anegus. Thomas Stewart, second Earl of Angus, 1331-61. (*S.P.*, i. p. 170.)

Willelmo de Leuygtoun. Sir William Livingston. See p. 57 *supra*.

Roberto de Erskyn. The fifth laird of Erskine and ancestor of the Erskines, Earls of Mar. (*Ibid.*, v. pp. 592-6.)

David de Anandia. Of Melgund. He was taken prisoner at the battle of Neville's Cross on 17 October 1346 and was still a prisoner in November 1356, although in Scotland on parole. (Rymer's *Fœdera*, iii. part i. p. 95; *C.D.S.*, iii. No. 1624.)

Et regni nostri vicesimo quarto. 'From some unexplained cause the charters granted by King David II. from the 24th year to the 42nd year of his reign inclusive are dated one regnal year short of the truth. Therefore, to find the correct date, it is necessary to add one to any regnal year that dates a charter of King David II. after the 6th of June 1352.' The correct regnal year is, therefore, the 25th. (Dunbar's *Scottish Kings*, p. 157 *n.*)

The charter confirmed was granted *c.* 1333-5: after Halidon Hill, in 1333, where Sir Walter Stewart was killed, and before 1335, when the county of Dumfries was in the hands of the English and the sheriffs seem to have been appointed by them.

(12)

There is an abridgment of this charter in *Ant. A.B.*, iv. p. 752, and a short abstract in *H.M.C.R.*, Mar & Kellie, p. 1.

Thomas comes de Marre. The ninth of the ancient Earls of Mar, 1332-1374. (*S.P.*, v. p. 583.)

Willelmus de Monte alto miles dominus de Feryn. Sir William Mowat of Fern, son of Roger de Monte alto. The family is said to be a cadet of the English family of Montealt and to have migrated to Scotland in the twelfth century. They obtained from William the Lion a grant of the manor of Fern in Forfarshire. Sir William was killed, *propria inertia*, at the siege of Norham in 1327. (*Scotichronicon à Goodall*, ii. p. 288.)

Jacobum de Monte alto. One of the collectors in the sheriffdom of Aberdeen in 1360 of contributions for ransom of the King. (*E.R.*, ii. p. 35.)

Domino Bernardo de Monte alto. A son of Roger de Monte alto, from whom he obtained the lands of Esterfoules, Garnetuly and Pethbren in Mar. His brother William confirmed the grant. (*H.M.C.R.*, iv. p. 494.)

Ester Fowlys. In the parish of Leochel and Cushnie.

Reginaldo le Chene. Of Inverugie. Sir Reginald married Mary, a daughter of Freskin de Moravia, and through her acquired the lands of Duffus in Moray. He was taken prisoner at the battle of Halidon Hill. He is said to have died about 1350. (Chalmers' *Caledonia*, ii. pp. 595-6; Pratt's *Buchan*, p. 343.)

Ricardo de Balwery, Thoma de Rettree, Willelmo de Laudonia et Willelmo de Roehnaeh. Not identified. The surnames are all derived from place-names in Aberdeenshire. Balwery is in the parish of Towie, Rettree and Lothian in Crimond and Roehnach in the adjoining parish of Lonmay.

Willelmo de Keth, mareseallo Scoeie. Aneestor of the Keiths, Earls Marisehal. (*S.P.*, vi. p. 35.)

Magistro Gilberto Armstrang. He was steward of the household of David II., and aeeompanied him on his visit to London in Oetober 1363. He was also an envoy to England in 1364 and 1365. (*E.R.*, ii. pp. l, lii, lxvi.)

Domino Johanne de Marre. He frequently witnessed eharters by Thomas, Earl of Mar. The Earl granted him the lands of Crueerystoun in Garioeh, which the King eonfirmed on 22 November 1358. On 28 May 1361 he presented him to the ehureh of Dauaehyndore, and besought the Bishop to unite it to the prebendal church of Inuyrnoehy of whieh Marre was reetor. (*Ant. A.B.*, i. p. 539, iv. pp. 716-18, 723; *R.H.C.*, No. 154; *R.M.S.*, i. App. i. No. 128; *R.E.A.*, i. p. 89.)

Domino Laureneio Gylibrand. Like Marre, he appears frequently as a witness to eharters by Thomas, Earl of Mar. He was steward of the household of Johanna, Queen of David II., and was an envoy to England in 1350 and 1360. He was taken prisoner at the battle of Neville's Cross and died before 8 January 1367-8. His wife was Margaret Galibrande. (*E.R.*, i. p. 618, ii. pp. 2, 52; *R.S.*, i. pp. 678, 736; *R.M.S.* i. No. 277.)

Andrea de Garwyaueh. Of Caskieben. He was a son of Sir James Garviaeh, who is said to have married Helen of Mar, and sueeeeded his father in the lands of Beledy, Balneerag and other lands in the parish of Lumphannan. His only daughter and heiress Margaret married Stephen Johnston, ealled the Clerk, from whom sprang the Johnstons of Caskieben. He had a eharter from Thomas, Earl of Mar, in 1356, of the lands of Kynstare and Edindowy. (Nisbet's *Heraldry*, ii. p. 116; Davidson's *Inverurie*, pp. 63, 448; *Ant. A.B.*, ii. p. 36; *H.M.C.R.*, Mar & Kellie, p. 1.)

Date: the eharter eonfirmed must have been granted before 1350, when Sir Reginald le Chene was dead.

(13)

Printed in abstraet in *H.M.C.R.*, xiv., App. part iii. p. 8.

Johannes de Coupland. Of Coupland, in the parish of Kirknewton, Northumberland. He was eonstantly employed by Edward III. in his wars against Seotland and in administrative duties during his oeeupation of the border eounties. He was sheriff of Roxburghshire and eonstable of Roxburgh Castle, with eertain intervals, 1347-63; sheriff of North-

umberland between 1350 and 1356, and warden of Berwick 1357-62. It was Coupland who took David II. prisoner at Neville's Cross in 1346, for which he was created a banneret and received an annuity of £500. He was murdered at Bolton Moor, Northumberland, on 20 December 1363. (*History of Northumberland*, xi. pp. 218-20; *C.D.S.*, iii. Nos. 1478, 1521, 1546, 1554, 1655, 1669; iv. Nos. 19, 95.)

Johanni Kerre de Foresta de Selkirk. The first of the Kers of Altonburn, progenitors of the Earls of Roxburghe. (*S.P.*, vii. p. 316.)

Aldtonburne. In the parish of Molle, now united with Morebattle.

Ade de Roule. This territorial surname is derived from Rule, in the parish of Hobkirk. There are several references to a person of that name who flourished in the first half of the fourteenth century, but it is impossible to say that he is identical with the Adam of this charter. (*Kelso*, i. p. 136; *Melros*, ii. p. 380; *C.D.S.*, iii. No. 713.) The charter by Roule to Coupland is printed in abstract in *H.M.C.R.*, xiv., App. part iii. p. 8.

Roberto de Coleuille. Of Oxnam, an ancestor of the Lords Colville of Culross. (*S.P.*, ii. p. 539.)

Wilelmo de Rotherford. Of that Ilk; ancestor of the Rutherfurds, Lords Rutherfurd. (*Kelso*, ii. p. 387; *S.P.*, vii. p. 366.)

Johanne de Aynesley. Of Dolphington, in the parish of Oxnam. (*Kelso*, ii. p. 387; Douglas's *Baronage*, p. 300.)

Rogero de Aldtoun. In 1329 he founded and endowed a chantry of one priest in the church of St. James, Roxburgh. Aldtoun is in the parish of Wilton. (*Kelso*, ii. pp. 368 *et seq.*; *O.P.S.*, i. pp. 456-61.)

Roberto de Wodeford. Wodeford is in the parish of Lessuden, now St. Boswells. He bestowed his lands of Wodfordhous on the monks of Melrose *c.* 1350. (*Melros*, i. p. 320.)

Jacobo de Loreyne; Wilelmo de Gledstanes. They witnessed, together with the first three witnesses and the previous witness, the charters by Roger de Aldtoun founding the above chantry. (*Kelso*, ii. pp. 389, 391.)

Wilelmo de Roule. In 1369 William de Roule, son and heir of the late John de Roule, quitclaimed to the monks of Melrose a rent of 20 shillings from the lands of Hondon. (*Melros*, ii. p. 440.)

Ricardo de Rydale. Probably a son of Galfrid Riddell of that Ilk. (Ridlon's *Hist. of the Ancient Rydales*, p. 66; cf. Riddell Carre's *Border Memories*, p. 186.)

Alexandro de Flex. He was released from the Tower on 3 August 1356. On 2 September 1357 and 6 October 1361 he was on an inquest at Roxburgh with some of the above witnesses. He witnessed a charter to

the monks of Coldingham in 1362. Flex is in the parish of Hawick, and in 1380 was claimed by England. (*C.D.S.*, iii. Nos. 1617, 1641, iv. Nos. 62, 295 ; Raine's *North Durham*, App. No. 369.)

Johanne de Chattow. He served on three inquests at Roxburgh, 1357-60. In 1386 Robert II. confirmed to him certain lands in the county of Roxburgh held of the abbot of Melros. This charter is wrongly ascribed to Robert I. in *O.P.S.* (i. p. 396). Chattow is in the parish of Hownam. (*C.D.S.*, iii. Nos. 1641, 1670, iv. No. 50 ; *Melros*, ii. p. 466.)

Date : 6 February 1357. In *H.M.C.R.* it is wrongly given as 5 February.

(14)

Recorded in *Register of Deeds, Dal.*, vol. 143, 3 March 1738.

Robertus senescallus Scocie ac comes de Stratherne. Afterwards Robert II. ; the first Stewart to occupy the throne.

Willelmo de Gordoun domino de Stitchelle, see p. 50 *supra*.

Noue foreste de Glenkenne. It comprised four parishes in the northern district of the stewartry of Kirkcudbright drained by the river Ken, viz. Carsphairn, Dalry, Balmaclellan and Kells. Sir Adam Gordon, father of Sir William, acquired (*c.* 1297) one-half of the lands of Glenkenn from John de Maxwell, son and heir of Sir Herbert de Maxwell, who obtained it from John Comyn, Earl of Buchan and Constable of Scotland. (*Reg. of Deeds, Dal.*, vol. 143, 3 March 1738.)

(15)

Duncanus comes de Fyff. Tenth Earl of Fife, 1288-1353. (*S.P.*, iv. pp. 11, 12.)

Johanni de Ramesay de Dunonyn. Dunonyn, now Denoon, is in the parish of Glamis. Isabella, the only child of Duncan, Earl of Fife, married as her first husband Sir William Ramsay of Colluthie, who had a son by a former wife. It is not improbable that he is identical with this witness, but proof is lacking. In 1359 a John Ramsay had a grant from David II. of the thanage of Tannadyce, and in 1362 he received a sum from the ferms of said thanage in place of Glamis. (*Ibid.*, p. 13 ; *E.R.*, i. pp. clxviii *n*, 589, ii. p. 118.)

Balnahaglis. Probably Balhaggils or Murrayshall, in the parish of Kinnoul.

Baroniam nostram de Kynnoule. Duncan, Earl of Fife, had a grant from Robert I. of this barony. (*R.M.S.*, i. App. i. No. 68.)

Johanne Cambrin domino de Ballegernach. His name appears in several charters during the reigns of Robert I. and David II. He was probably the John Cameron who was sheriff of Perth in 1333. (*Highland Papers*, S.H.S., ii. p. 134; *R.M.S.*, i. No. 196; *Miscell. of Spalding Club*, v. p. 10; Milne's *The Blackfriars of Perth*, p. 26.) Ballegernach, now Baledgarno, is in the parish of Inchture, but see entry in *C.D.S.* (vol. iii., pp. 337 and 385) which states that John de Cambroun forfeited to Edward III. in 1335 his land of Ballegrenagh *in tenemento de Nodreff.*

Rogero de Mortuo Mare. His name appears both as grantee and witness in several charters during the reigns of Robert I. and David II. He had a charter from Duncan, Earl of Fife, of the lands of Thomastoun on 31 December 1343, one about the same time from John Cameron of the lands of Lochtoun, and another before 19 July 1333 from John Campbell, Earl of Atholl, of the lands of Balandrev and Inverbervy confirmed by David II. on 31 January 1359-60. (Macfarlane's *Geneal. Col.*, S.H.S., i. p. 48; *R.M.S.*, i. App. ii. Nos. 883, 884; *H.M.C.R.*, vii. p. 705.) For references to him as witness, sometimes in conjunction with the previous witness, see *Ant. A.B.*, ii. p. 313; *R.E.B.*, p. 16; *R.H.C.*, No. 105B; *R.M.S.*, i. No. 196; *Aberbrothoe* (*Nigrum*), p. 542.

Johanne de Lasselis. There was more than one family of this name in Fife in the fourteenth century, but no evidence has been found to identify this witness with any of them or with John Lacelis who in 1335-6 forfeited the lands of Stakkys in Linlithgowshire which were then in the hands of Edward III. (*C.D.S.*, iii. pp. 340, 389.)

Johanne de Lumysdene; Thome de Lumysdene. The former is a witness to a charter (undated) by Duncan, Earl of Fife, to Alexander, bishop of Aberdeen, and both to another charter by the Earl to the bishop in 1338. The latter had a charter from the Earl of the lands of Drum and Condland in Fife, and Easter and Wester Maler in Aberdeenshire. He is no doubt the founder of the family of Condolane. (*R.E.A.*, i. pp. 65, 66; *R.M.S.*, i. App. ii. No. 760; *R.H.C.*, No. 110.)

Patricio episcopo Brechinensi. See p. 59 *supra.*

Patricio comite Marchie et Morauie. See p. 57 *supra.* He assumed the additional title of Moray on the death of John Randolph, Earl of Moray, his brother-in-law, in 1346. (*S.P.*, iii. pp. 264-9.)

Willelmo comite de Douglas. The first Earl, 1358-84. (*Ibid.*, iii. pp. 148-53.)

David de Anandia. See p. 60 *supra.*

Johanne de Prestona. Of Gorton; ancestor of Richard Preston, Lord Dingwall. (*S.P.*, iii. p. 117.)

Date: the charter confirmed was granted before 1353, when the granter died; probably 1340-50.

(16)

An abstract of this charter is printed in *H.M.C.R.*, xiv. App. part iii. p. 8.

Wilelmus de Blakedene filius et heres Cristiane de Blakedene. The lands of Blakedene, from which several people took their name during the thirteenth and fourteenth centuries, are in the parish of Mow, now part of Morebattle.

Johanni Kerre de Foresta de Eteryk. The same person as John Kerre of the Forest of Selkirk, p. 62 *supra*. The district comprehending the forests of Selkirk, Ettrick and Traquair was sometimes styled 'The Forest of Selkirk,' sometimes 'The Forest of Ettrick,' and was popularly known as 'The Forest.' (*O.P.S.*, i. p. 241.)

Villis de Molle et Aldtonburn infra regalitatem de Sproustoun. Molle or Mow is in the parish of the same name. For Aldtonburn, see *supra* p. 62. They are several miles distant from Sproustoun.

Witnesses. The first seven witnesses are dealt with on p. 62 *supra*. Borrzon is evidently a misreading of Loreyn (*H.M.C.R.*, *supra*). Eustace de Chattow served on an inquest at Roxburgh in 1361 and William Corbet on several between 1357-61. (*C.D.S.*, iii. Nos. 1636, 1641; iv. Nos. 1, 50, 61 and 62.)

Date: the feast of St. Michael the Archangel is on 29 September, and the Thursday immediately after it was 4 October 1358.

(17)

This charter was confirmed by Robert II. on 26 June 1373. (*R.M.S.*, i. No. 473.)

Georgius de Dumbarr, comes Marchie et dominus vallis Annandie et Mannie. Tenth Earl of Dunbar and third or fifth Earl of March, usually known as tenth Earl of March. (*S.P.*, iii. pp. 270-3.)

Nigello Ewar. This is probably the first mention on record of the surname Ewart. He is assumed to be the first known ancestor of the family of Bodisbeck.

Terras de Skyftynhowys et de Smalegyllys. In the parish of Moffat.

Johannes de Alneromb. There were three persons of this name in existence about the middle of the fourteenth century. One was Clerk of the Rolls, Register and Council, 1358-62, another was archdeacon of Teviotdale and witnessed a resignation in 1370, while the third was a Scottish merchant who in 1361 received a safe-conduct to England. This witness could not have been the first named, who was dead before 1364,

and no evidence has been found to connect him with the second and third. Alncromb is an old spelling of Ancrum. (*E.R.*, ii. *ad index*; *Kelso*, ii. p. 407; *R.S.*, i. pp. 858-9.)

Domino Johanne Heryee milite. The first of the Terregles branch of the family. (*S.P.*, iv. p. 400.)

Duneano de Kirkpatrik domino eiusdem. In 1372 he granted a charter to John of Carrothcris of the $2\frac{1}{2}$ merkland of Glengepp and Gerardgille within the tenement of Wemfray. Either he or his son received in 1398 a charter from Robert III. of the barony of Torthorwald. (*H.M.C.R.*, xv. App. viii. p. 51.)

Roberto de Corry. Either Robert, laird of Newby, a son of Sir Walter C. of Annandale, or Robert, merchant of Annandale, who in 1365 and 1368 had safe-conducts to pass into England. (*Trans. Dumfries and Galloway Nat. Hist. and Antiq. Soeiety*, 1912-13, pp. 94-5, 1915-16, p. 34; *R.S.*, i. pp. 897, 919.)

Roberto de Carrothers domino de Moussald. The third laird. (*P.S.A.S.*, 1888-9, p. 78; *The Carruthers Reeords*—in course of publication.)

Rogero de Carrothers domino de Bodysbekis. He may be identical with Roger de Carutheris who in 1375 received a charter from George, Earl of March, of the £4 lands of Little Daltoun. (*H.M.C.R.*, vi. p. 710.)

Roberto Boyle. Probably Robert Boyl, layman, of Glasgow diocese, who had an indult to choose a confessor on 6 June 1372. He is thought to be of the Boyles of Kelburn, ancestors of the Earls of Glasgow. (*S.P.*, ix. p. 95.)

Mr. George Chartouris. Robert Charteris of Kelwood acquired the lands of Bodisbeck in 1626 from John Ewart of Bodisbeck. (*Par. Reg. Sas. Dumfries*, ii. fol. 209.) The relationship of Mr. George to him has not been ascertained. A George Charteris, merchant, was admitted burgess of Edinburgh on 15 March 1643. (*Burgess Rolls.*)

W. Purves. Sir William Purves of Abbeyhill, afterwards of Purveshall, appointed Solicitor-General 1662. (Douglas, *Baronage*, p. 566; *Complete Baronetage*, iv. p. 244.)

(18)

Printed in abstract in *H.M.C.R.*, iii. p. 405, where names of witnesses and full date of charter are given.

Willelmus de Keth mareseallus Seoeie et Mergareta Fraser sponsa eiusdem. Ancestor of the Keiths, Earls Marischal. His wife was the only child and heiress of John Fraser of Touch-Fraser and Cowie, a nephew of Robert I. (*S.P.*, vi. p. 35; *The Frasers of Philorth*, i. pp. 77-85.)

Roberto de Keth. The second son of the above marriage. He succeeded his father before the end of 1410. (*S.P.*, vi. pp. 38, 39.)

Terras nostras de Ochtyrothyrstruthyr. In the parish of Cercs, now known as Struthers. It came into the hands of Edward I. in 1297 through the rebellion of Macduff, son of Malcolm, seventh Earl of Fife, and he granted it to Andrew Fraser, grandfather of John Fraser *supra*. On 8 March 1392-3 it was exchanged with other lands for the lands and castle of Dunnottar. (*R.S.*, i. p. 42; *H.M.C.R.*, iii. p. 405.)

Apud manerium nostrum de Kyntor. Kintore in Aberdeenshire. 'The castle here stood hard by the church (where now only the Castle-hill is to be seen) and, it seems, was inhabited by the Earl Marishal (who perhaps was heretable keeper of it, he having a part of his estate here) as late as A.D. M.D.XXXIX.' (*Ant. A.B.*, i. p. 126.)

(19)

Printed in abstract in *H.M.C.R.*, *Various Col.*, Duntreath, vol. v. p. 77.

Ricardus de Monteferii. This surname appears in the Duntreath Report as Montefixo, which is undoubtedly correct. The Montfichets settled in Scotland in the reign of William the Lion, from whom they obtained a grant of the lands of Cargil and Kincardine, and from Robert I. the lands of Auchterarder. No other mention has been found of the granter of this charter. The surname Montfichet has become modernised as Mushet. (*Reg. Ho. Transcripts of Royal Charters; R.M.S.*, i. App. ii. No. 474.)

Domini Johannis de Gordoun domini eiusdem. Ancestor of the Gordons, Marquesses of Huntly; a great-grandson of Sir Adam Gordon, p. 50 *supra*. (*S.P.*, iv. pp. 514, 515.)

Fausyd. In the parish of Gordon, Berwickshire.

Alexandro de Gordoun. He may be a son of William Gordon of Stitchill (p. 50 *supra*), from whom he and his brother Thomas had a grant of the lands of Balmonth in Fife. (*R.M.S.*, i. App. ii. No. 1401.)

Fabrice vero ecclesie Sancti Andree. For sources from which funds were derived for upkeep of the fabrics of cathedrals, see Dowden's *The Medieval Church in Scotland*, pp. 95-8.

Adam de Gordoun. The brother of Sir John de Gordon *supra* whom he succeeded. He was grandfather of the first Earl of Huntly. (*S.P.*, iv. pp. 516-18.)

Andrea de Keth. Probably the son of John Keith of Inverugie and Mariot de Cheyne who, on 4 March 1390-1, had a charter from Robert III. of the lands of Strabrok following on a resignation by his parents. (*R.M.S.*, i. No. 830.)

Willelmo de Berclay. Two persons of this name appear on record about the date of this charter, viz.:—(1) William Barclay of Towie, and (2) William Barclay of Touch, younger son of Henry B. of Collairnie, but there is no evidence to identify this witness with either. (*Hist. of the Scottish Barclays*, pp. 15 and 80.)

Johanne de Spottiswod. Of that Ilk. (Douglas, *Baronage*, p. 446.)

Date: undated, but *c.* 1380.

(20)

The vernacular came into use in Scotland for legal documents in the early years of the reign of Robert II. A Renunciation by Alexander Lindsay of Glenesk, knight, to Margaret, Countess of Marr, and her sister, dated 12 March 1379-80, is the earliest known Scottish vernacular writ extant, and this document is fifth in order of priority. (Fraser's *Douglas*, iii. p. 28.)

William Marschal. He was dead before April 1429. His widow, Isabel or Elizabeth, received payment of an annuity granted to him from the customs of Inverkeithing down to 1435. In 1406 Marschal resigned his third part of the barony of Rosyth into the hands of the Governor for the upkeep of a chaplain at the altar of St. Michael the Archangel in the church of Inverkeithing. (*E.R.*, iv. pp. 482, 617; *R.M.S.*, i. No. 888.)

Our lard. Overlord.

Balmule, *Monquy* and *Colstoun.* In the parish of Aberdour and barony of Rosyth. Colstoun is now Couston.

For why. Because.

Medeful. Laudable; meritorious.

For thi. Therefore.

Michel Rony. Rony is probably a misreading for Rany (=Rennie). A Simon Renny was bailie of Inverkeithing in 1362. (*E.R.*, ii. p. 104.)

Jhon Martyn lard of Brigland. This is probably the earliest mention of the surname Martyn in Fife, in which there were afterwards several well-known families of that name. Brigland may be Brigland of Innerteil, in the parish of Kinghorn.

Jhon Multrar lard of Markynch. The earliest known ancestor of the family of Moutray of Markinch. He was probably the John Multrar who was on the assize for the perambulation of the baronies of Kirknes and Louchor on 6 July 1395. (*P.S.A.*, p. 3.)

Schir Thomas of Kingorn vicar of Innirkethyng. His name does not appear in the list of the vicars of Inverkeithing in Stephen's *Hist. of Inverkeithing*, pp. 270-2.

Inchegal. In the parish of Ballingry. 'Inchgall, the island upon which stood Lochore Castle, being sometimes used as an alternative name for Lochore.' (*Ibid.*, p. 180.)

Schir Jamis the Valons. Of Inchgall or Lochore. (*Ibid.*, pp. 180-1.)

William of Allirdes. In 1388 he had a gift from the King (*E.R.*, iii. p. 177). On 7 July 1399 he was served heir in special to his father, Alexander of Allerdas, in an annual rent of 10 merks from the barony of Crambeth. (Macdonald's *Collection of Retours*, Reg. Ho.)

(21)

Johannes regis Scotie primogenitus, etc. He was styled Robert III. after his coronation with consent of the Estates of the Kingdom.

Alano de Cathkert militi. An ancestor of the Earls Cathcart. (*S.P.*, ii. p. 506.)

Domini Duncani Walays militis. Of Sundrum. He married, as her fourth husband, Elconora, sister of the first Earl of Douglas and widow of Alexander de Brus, Earl of Carrick. In 1373 they had a crown charter of the baronies of Sundrum and Dalmellington with remainder, on failure of heirs, to the above Alan. (*Ibid.*, p. 437; *R.M.S.*, i. No. 465.)

Comitatum nostrum de Carric. 'The earldom of Carrick was at one time the northern portion of the old province of Galloway . . . and included all that is now called South Ayrshire, Wigtownshire and the Stewartry of Kirkcudbright' (*S.P.*, ii. p. 421). In 1186 Wigtownshire and Kirkcudbright were disjoined, and it then comprehended that part of Ayrshire which lay to the south of the river Doon. (*Scotichronicon à Goodall*, i. p. 491; *Lib. Pluscardensis*, ii. p. 26.)

Dominium nostrum de Kyle Senescalli. Kyle, one of the three divisions of Ayrshire, comprised the land lying between the rivers Doon and Irvine. It was subdivided into Kings Kyle, which lay to the south of the river Ayr, and Kyle Stewart, which lay to the north. (Chalmers' *Caledonia*, 1890, vi. p. 446.)

Terris de Glenstenscher. In the parish of Barr; now called Daljarbrie or Jerburgh.

Sigillum nostrum. See Laing's *Seals*, i. No. 783.

(22)

Jacobus de Sandylandys miles dominus de Caldor. Second of Calder; ancestor of the Sandilands, Lords Torphichen. (*S.P.*, viii. pp. 380-1.)

Johannes de Halyburtoun miles dominus eiusdem. An ancestor of the Lords Haliburton of Dirleton. (*Ibid.*, iv. p. 333.)

Thome de Cranystoun domino eiusdem et Mariote vxori sue. Ancestor of the Cranstouns, Lords Cranstoun. This is the first and only mention of his wife's name. (*Ibid.*, ii. p. 586.)

Terras de Fallyness. In the parish of Teviothead. Sir James Sandylandys had special protection and warrandice in 1389 from Richard II. for these lands. (*C.D.S.*, iv. No. 391.)

Villa de Langnudre. In the parish of Gladsmuir. Sir John Halyburtoun had a similar protection for his lands of Langnodry. (*Ibid.*)

Baronia de Trauernent. Tranent was in the possession of the De Quinceys in the reign of William the Lion. Robert I. granted it to Sir Alexander Seton, ancestor of the Setons, Earls of Winton, in 1321. (*R.M.S.*, i. App. i. No. 45.)

Constabularium de Hadyngtoun. See *Sheriff Court Book of Fife*, S.H.S., pp. 352-4; *Com. Ancient & Hist. Mon.* (East Lothian), p. xvii.

Terrarum dominicarum de Denum. Denholm, in the parish of Cavers.

Thome comitis de Marr. See p. 60 *supra*. Cranystoun had, *c.* 1358, a grant from the Earl of the lands of Denum, with Denome Dene and the Bailliolhage, *excepting only the demesnes*, which was confirmed by David II., and afterwards by James II. on 10 September 1441. (*R.M.S.*, i. App. i. No. 132; Fraser's *Douglas*, iii. p. 425.)

Willelmi comitis de Douglas et de Marr. First Earl of Douglas. He married Margaret, sister of the previous witness, and after his death in 1374 he styled himself Earl of Douglas and Mar. (*Ibid.*, i. pp. 216-91; *S.P.*, iii. pp. 148-53, v. pp. 585, 586.)

Jacobo de Lyndissay domino de Craufurde. Ancestor of the Lindsays, Earls of Crawford. (*Ibid.*, iii. p. 12.)

Malcolmo de Dromonde domino de Strathurde. Ancestor of the Drummonds, Earls of Perth. He married, as her first husband, Isabella, daughter of William, Earl of Douglas and Mar *supra*, but never assumed the title of Earl of Mar. (*Ibid.*, v. pp. 586, 587, vii. 37-9.)

Willelmo de Newbygyn domino eiusdem. Newbygyn is in the parish of Carnwath. He was sometimes designed of Dunsyre. References to him will be found in *Ibid.*, viii. p. 7; *R.M.S.*, i. Nos. 243, 270; Fraser's *Douglas*, iii. p. 25.

Willelmo de Douglas domino de Dromlangryg. Natural son of James, second Earl of Douglas and grandson of William, Earl of Douglas and Mar *supra*; ancestor of the Douglases, Dukes and Marquesses of Queensberry. (*S.P.*, vii. pp. 112-14.)

Willelmo de Halyburtoun domino de Sawlyn. Donald, Earl of Mar, had a charter of Sawlyn in Fife from Robert I. in 1329. In the reign of Robert III. Isabella Douglas, Countess of Mar, granted a charter of confirmation of the barony of Sawline to Alexander Halyburtoun, probably a son of this witness. (*Ant. A.B.*, iv. p. 711 ; *R.M.S.*, i. App. ii. No. 1915.)

Adam Forster domino de Corstorfyne. Ancestor of the Forresters, Lords Forrester of Corstorphine. (*S.P.*, iv. pp. 80-2.)

Simone de Murraff constabulario de Calder. Simon of Moravia, lord of Ardochmoir, granted a charter of impignoration to Sir Patrick Graham of Kyncardyn in 1382. In 1397 an indenture was entered into between Margaret, Countess of Mar and of Angus, and her son and Sir James Sandilands of Calder regarding the Castle of Calder. (*H.M.C.R.*, i. p. 167 ; Fraser's *Douglas*, iii. p. 37.)

Date : *c.* 1390. Sir James Lindsay was dead in 1397. Sir Malcolm Dromond was designed of Strathurde *c.* 1385-90.

(23)

The text of the charter transumed has been corrected from a copy made by the late Dr. Maitland Thomson (*Reg. Ho. Transcripts*). It was confirmed by James II. on 3 December 1440. (*R.M.S.*, 1424-1513, No. 253.)

Domina Margareta de Buchanane. Not identified unless she is Margaret, wife of Robert Danielstoun of Colgrain, a grandson of Sir John Danielstoun *infra*. (Irving's *Book of Dumbartonshire*, 1879, ii. pp. 321-2.)

Magno sigillo ipsius quondam domini Regis. See Laing's *Seals*, i. No. 39.

Ade Mure de Rowalane. The sixth in succession from David de Moore, the reputed founder of the house. He was a son of Sir Adam and Janet Mure and brother of Elizabeth Mure, the first wife of Robert II. and mother of Robert III. (Robertson's *Ayrshire Families*, iii. p. 357.)

Jonete de Danielstoun. A daughter of Sir John de Danielstoun of that Ilk, sheriff of Dumbarton and governor of Dumbarton Castle. The writer of the article on ' The Dennistouns of Dennistoun,' in *The Scottish Historical Review* (vol. xv. p. 241), is in error in stating that she was a daughter of Sir Hugh de Danielstoun and mother of Elizabeth Mure, wife of Robert II. Her marriage with Sir Adam Mure did not take place till 1384. (*R.H.C.*, No. 131a.)

Terras de Polnekel . . . de le Bagraw. In the parish of Fenwick. (Cf. *R.M.S.*, i. App. ii. No. 1669, ii. No. 253.)

Terras de Lemflare. In the parish of Lanark ; now Nemphlar.

Waltero et Matheo Sanctiandree et Glasguensis . . . episcopis. Walter Trail was bishop of St. Andrews, 1385-1401, and Mathew de Glendoning, of Glasgow, 1387-1408. (Dowden's *Bishops*, pp. 27-9, 316-18.)

Roberto comite de Fyffe et de Menteth. Third son of Robert II., afterwards Duke of Albany. (*S.P.*, i. pp. 146-9.)

Archibaldo comite de Douglas. The third Earl. (*Ibid.*, iii. pp. 157-65.)

Jacobo de Douglas domino de Dalketh. Ancestor of the Douglases, Earls of Morton. (*Ibid.*, vi. pp. 344-50.)

Thoma de Erskyn. Of that Ilk; ancestor of the Erskines, Earls of Mar. (*Ibid.*, v. pp. 596-601.)

Alexandro de Cocburne de Langtown. Second of Langtoun. (*The Cockburn Family Records*, pp. 36-8.)

Nicholao de Grynlaw decano. He was dean in 1394. (*C.P.R., Petitions*, i. p. 587.) He died on 25 September 1415 (*R.E.G.*, ii. p. 616).

Gilberto de Mousfald. He was successively rector of Hoddom (1381), vicar of Dumfries (1385), and archdeacon of Teviotdale (1408). He was also official of Glasgow (1394). (*C.P.R., Petitions*, pp. 563, 567, 588, 613, 636.)

Willielmo de Grynlaw. A person of this name who was dead in 1435 had a tenement in the Walkergait of Glasgow. (*Mun. Fratrum Predicat. de Glasgu*, Maitland Club, p. 250.)

Johannes de Hawyk. He was vicar of Carluke in 1430 (*Ibid.*, p. 246). There was another cleric of the same name in the diocese, precentor of Glasgow, who died on 17 March 1431-2 (*R.E.G.*, ii. p. 615). The notary was alive in 1450 (*Ibid.*, 380), and is probably identical with the John de Hawyk who was incorporated with the University in a General Chapter held in 1451 (*M.U.G.*, ii. p. 56).

(24)

Simon de Dalglcs, precentor ac officialis Glasguensis generalis. He held the prebend of Askirk in the Cathedral and seems to have been appointed official in 1451, the year in which he was incorporated with the University. His death took place on 5 January 1475-6. (*R.E.G.*, ii. pp. 369, 391, 614; *M.U.G.*, ii. p. 56.)

Alexandri Lekprevyk de eodem. He appears as bailie and witness in several writs in the Pollok charter chest (Fraser's *Pollok*, i. 190, 192, 194, 195, 198). Lekprevyk is in the parish of East Kilbride. A mound of earth, said to mark the situation of the family residence, stands about a mile and a half to the south of the village of Kilbride (*O.P.S.*, i. p. 101).

Jacobum Senescalli dominum baronie de Kylbryde. A natural son of Robert III., from whom he had charters of the barony of Kilbryd and of £140 from the customs of Edinburgh (*E.R.*, iv. elxxv ; *R.M.S.*, i. App. ii. Nos. 1775, 1857). There does not seem to be a specimen of his seal extant.

Officium seriandi. See Dickinson's *Sheriff Court Book of Fife*, 1515-22, S.H.S., pp. lxii-lxvi. For dues of office cf. *ibid.*, pp. 392-3 ; *Reg. of Acts and Decreets*, Reg. Ho., vol. 135, fol. 142.

Regalitatem dominii de Kylbryde. Roger de Valoniis had a grant of the manor of Kilbride from William the Lion. It passed into the hands of the Comyns through the marriage of Isabella de Valoniis, daughter of Roger, to David Comyn. On the forfeiture of the Comyns, who took the English side in the war of independence, Robert I. granted it to his son-in-law Walter, the sixth High Steward. (*R.E.G.*, i. pp. 48, 49, 159-61 ; *R.M.S.*, i. App. ii. No. 220.)

Johannis Cvmyne. Third of Kilbride and grandson of David C. *supra.* (*Family Records of the Bruces and the Comyns*, p. 398.)

Officium coronatoris. See Bisset's *Rolment of Courtis*, S.T.S., iii. p 125, 202.

Ruglen. Rutherglen.

Domino Jacobo de Coghrane canonico Dunkeldensi. He witnessed in 1388, also at Rutherglen, an instrument of appeal against Mathew, bishop of Glasgow. (*Paisley*, p. 334.)

Domino Galfrydo de Glen. In 1371 he obtained an extension of the dispensation granted to him as the son of a priest so that he might hold a second benefice. He was rector of Linton. (*C.P.R. Letters*, iv. p. 166 ; *Petitions*, p. 578.)

Jacobo de Foulford. Bailie of Rutherglen 1399 and 1402. (*E.R.*, iii. pp. 477, 556.)

Stephano Young ; Thoma Johannis. The former was bailie of Rutherglen in 1403. A Thomas Johnston was also bailie in 1434 and 1435, but he is probably not identical with the last witness. (*E.R.*, iii. p. 581 ; iv. pp. 581, 630.)

Magistro Adam de Achinlec. In addition to his canonry of Glasgow he held the prebend called *Glasgow Primo*, of which he seems to have taken possession after the death in 1440 of Alexander Lawedre, the last possessor, who was promoted to the see of Dunkeld but died before his consecration. There was prolonged litigation over the right to the benefice. The decision was at first in favour of the other claimant, Thomas Penven, but was reversed by the Pope at the instanee of William, Earl of Douglas, who alleged that Achinlec was his kinsman and secretary.

On a further petition the Pope restored Penven to the prebend, but there seems to have been a mutual arrangement between the two litigants by which Achinlec resigned his prebend of Kirkmahoe in favour of Penven and received the Glasgow prebend in exchange. He was also rector of Newlands, a canon of Moray and a member of the household of William d'Estouteville, cardinal priest of St. Martins *in Montibus*. His death took place before 18 December 1457. (*C.P.R.*, *Letters*, ix. pp. 439, 460, 466, x. pp. 256, 473, xi. pp. 68, 506.) For his appearance as witness to charters see *R.M.S.*, 1424-1513, No. 246 ; Fraser's *Douglas*, iii. p. 429.

Dominis Andrea de Conynghame, Roberto de Pettarii [sic]. The latter surname is probably a misreading of Petcairn. There was a cleric of that name vicar of the choir of Glasgow in 1478 (*R.E.G.*, ii. p. 460). No other mention of Conynghame has been found.

Johannes de Restone. He was vicar of Kilbride. (*Ibid.*, ii. p. 406 ; *Lib. Coll. Nostre Domine*, Appendix, Maitland Club, p. 253.)

(25)

An abstract of this writ is printed in *H.M.C.R.*, *Var. Coll.*, Duntreath, vol. v. p. 78.

Adam de Gordoun dominum eiusdem. See p. 67 *supra*.

Willelmo de Barde domino de Kyrkwode. In an Indenture entered into at Haudenstank on 26 October 1398 between commissioners representing England and Scotland for return of prisoners and observance of the truce, Gordon and Barde are excepted from the free delivery of prisoners and are taken bound to appear under penalty at the next meeting of the Great Commissioners for the 'unmesurit harmes' done by them as common truce breakers. (*C.D.S.*, iv. No. 510.) There is a place called Kirkwood in the barony of Hawick. On 10 April 1393 a William Barde, one of the esquires of the Earl of March, had a safe-conduct from the King of England. (*R.S.*, ii. p. 119b.)

Eddirhame. Edrom in Berwickshire.

(26)

An abstract of this charter is printed in *H.M.C.R.*, ii. p. 167.

Anna Portare de Monros. Possibly a descendant of the family who were hereditary porters of the castle of Montrose. Thomas le Porter of Montrose did homage to Edward I. on 14 March 1295-6. (*A.P.*, i. p. 100 ; *C.D.S.*, ii. No. 730.)

Terre de Inyhane. Now Annanie, in the parish of Maryton. The hereditary porters of the castle of Montrose held it in fee. (*A.P.*, i. p. 100.)

Litill Carcary ; Kynnarde. In the parish of Farnell. Duthac of Carnegy had one-sixteenth part of Litill Carcary and one-eighteenth part of Kynnarde in wadset in 1401. In 1410 he had a crown charter of one-half of Kynnarde. These lands with others were erected into the barony of Kinnaird in 1542 under exception of an eighth and sixth parts of the former and an eighth of the latter. (Fraser's *Southesk*, ii. pp. 503, 506 ; *R.M.S.*, 1513-46, No. 2730.)

Balnamone. There are two places of this name in Forfarshire, the one in the parish of Brechin, the other in the parish of Menmuir. It is probably Balnamoon in the former parish, otherwise known as Heughland, which is here referred to. It passed into the hands of Robert Carnegy of Kinnaird in 1549. (Fraser's *Southesk*, i. p. xliii *n* 1.)

Andree Panter. He was bailie and custumar of Montrose at the date of the charter and was dead in 1421. (*E.R.*, iii. iv. *ad indices.*)

Willelmo de Crawmonde. In 1410 he, Duthac of Carnegy *supra*, and David Panter are described as ' lardis of Kynnard.' It is supposed that they married the three co-heiresses of Kinnaird. Crawmond is said to be the progenitor of the Cramonds of Auldbar. (*R.E.B.*, p. 30 ; Fraser's *Southesk*, i. pp. 10-12.)

Waltero episcopo Sanctiandree. See p. 72 *supra.*

Gilberto episcopo Abirdonensi. Gilbert de Greenlaw, 1390-1421. He occupied the office of Chancellor for various periods from 1397 till near his death. (Dowden's *Bishops*, pp. 118-20.)

David duce Rothissaie. Eldest son of Robert III. (*S.P.*, i. pp. 17-18.)

Roberto duce Albanie. See p. 72 *supra.*

Archebaldo comite de Douglas. The fourth Earl. (*Ibid.*, iii. pp. 165-8.)

Jacobo de Douglas domino de Dalkeith. See p. 72 *supra.*

Thoma de Erskyne. See p. 72 *supra.*

BAGIMOND'S ROLL

FOR THE ARCHDEACONRY OF TEVIOTDALE

FROM A THIRTEENTH-CENTURY TRANSCRIPT
IN THE VATICAN ARCHIVES

Edited by

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INTRODUCTION

This document, catalogued as Instr. Misc. 312 in the Vatican Archives, is a taxation roll of the archdeaconry of Teviotdale in the diocese of Glasgow. It is a transcript of the late thirteenth century, written on parchment, authenticated by a notarial mark, and sent to the Roman Curia, where it has been preserved by a chance of fortune through the vicissitudes of six centuries and a half. The mutilated condition of the first part of the roll [1] would seem to indicate that it has seen evil days; but, however that may be, its state is now well cared for among the miscellaneous documents of the Vatican Archives. For us, in our times, its chief interest lies in this happy accident of its preservation.

Although in itself a mere fragmentary record of a vast imposition of taxation, it yet throws considerable light not merely upon the parishes with which it deals in the valleys of south-western Scotland, but also upon the general history of the ecclesiastical tithe for the relief of the Holy Land—a tax which, in September 1274, Pope Gregory X., with the approval of the Sacred General Council of Lyons, commissioned his 'dear son, Master Boiamund de Vitia, canon of Asti,' to collect in Scotland for six years, beginning from the Feast of the Nativity of St. John the Baptist, lately past [24th June].[2]

[1] In its present form the roll has been dismembered into its constituent strips of parchment. My attention to this collection was drawn by Monsignor A. Mercati, Prefect of the Vatican Archives.

[2] A. Theiner, *Monumenta Vetera Hibernorum et Scotorum Historiam Illustrantia*, no. cclviii; printed also by Robertson, *Statuta Ecclesiae Scoticanae*, I. lxv *n.*

During the course of the Crusades the Scottish Church had already contributed subsidies, levied according to an old assessment known as the *Antiqua Taxatio*. The new imposition to be exacted by Master Boiamund—or Bagimond, as he was more familiarly known to our forefathers—was, however, devised to be of a more far-reaching and systematic nature. All beneficed clergy, exempt and non-exempt, under oath and pain of excommunication were to pay the tithe not according to the old taxation but according to the true value [*verus valor*] of all ecclesiastical goods, to be accurately estimated by a sworn inquisition.[1] The sensational nature of this proposal may be gathered from the alarmed expostulation of the churchmen whose pockets were touched. In the following year a Provincial Council at Perth besought the collector with 'large payments and larger promises' to return to the Roman Court to entreat the Pope to be content with the old assessment. The prelates merely threw away their money: Bagimond 'returned to Scotland to complete a valuation roll of its benefices, which still retains his name, and served for the apportionment of ecclesiastical taxes until the Reformation.'[2]

It has been surmised by one writer that the Pope 'found the collection troublesome or unproductive,'[3] and by another that either 'Boiamund's tax was ill paid, or that the first three years' receipts fell short in some way of the due amount.'[4] The reason for so much doubt and conjecture is the lack of sufficient documentary evidence upon which to base any definite conclusions. No complete original return has come down to us; and of the Scottish

[1] This roll is concerned with the actual collecting of the tithe, and in no case is the amount of the *verus valor* expressly stated.

[2] Robertson, *Statuta*, I. lxvii. The circumstances of Boiamund's visit are narrated in Fordun's *Scotichronicon* (Skene's edition, I. 306; translation, II. 301).

[3] Innes, *Origines Parochiales Scotiae*, I. xxxvii.

[4] *Statuta*, I. lxvii.

copies of the tax roll none is earlier than the sixteenth century. Of contemporary fragments, the most considerable and the most important is the *Exemplum*, printed by Theiner,[1] giving the amount of the receipts for the first three years of the collection.

For most of the dioceses concerned the contribution made by the individual parish churches is there detailed for at least one year; but even this is lacking in the case of Glasgow, where the only statement is the sum total of all the receipts of the diocese during the first year of collection.[2]

It is, therefore, as a supplement to this *Exemplum* of Theiner that the taxation roll of the archdeaconry of Teviotdale derives its chief importance. Not only does it supply the names of the parishes which contributed in one area of the church of Glasgow, but it also makes clear what was doubtful before, namely, that the levy actually was raised during the whole prescribed term of six years. It was the collection not of this but of a subsequent imposition that proved 'troublesome or unproductive.'[3] This subsidy was gathered annually in two terms, and we find that some churches paid with unfailing and unvarying regularity, while others show fluctuations in greater or in less degree. There is, however, no in-

[1] Theiner, *Mon. Vet.*, no. cclxiv; *Exemplum cuiusdam libri de papiro, in quo continetur collectio decime Terre Sancte facta in regno Scotie per Magistrum Boyamundum de Vitia, canonicum Astensem, collectorem dicte decime et superintendentem.*

[2] Theiner, p. 110.

[3] The writer, who reproaches Mr. Raine for having 'fallen into some errors' on the subject of Bagimond's tithe, has, apparently, himself confused two closely succeeding Popes of the same name. The Pope Nicholas who 'made a grant of the Scotch tenth to Edward I. of England' was almost certainly not Nicholas III. but Nicholas IV. The second year of his pontificate, when the grant was confirmed, was 1290, and it is significant that the deputy collector dated a receipt for payment in 1292. (*Orig. Par. Scot.* I. xxxvi-xxxvii.) The cause of confusion was probably the fact that at this period neither the serial number of a Pope, nor the year of grace, was specified in a papal bull.

dication that 'the first three years' receipts fell short' in any exceptional way. On the contrary, there are frequent notices of default of payment in the later years.

How these returns compared with those formerly based upon the *Antiqua Taxatio* it is impossible to tell, because, fragmentary as it is, the present roll, founded upon the *verus valor*, is the earliest extant valuation known of the diocese of Glasgow. The only other rentals which have been brought to light are contained in late, so-called copies of the 'auld taxt roll of Bagimont.'[1] If we compare these, we find that the later assessments differ from the one before us, and vary also among themselves. Therefore, if Bagimond's Roll 'served for the apportionment of ecclesiastical taxes until the Reformation,' it can have done so only in a general way. It must often have been adjusted to suit new conditions;[2] and there seems little correspondence with later assessments in the same area.

An Act of Parliament of 1471 states that 'the vse and custum of ald taxaciounis . . . is contenit in the Prouincialis Buk or the ald taxacione of Bagemounde.' Provincials' Books were probably diocesan rental books drawn up for the guidance of Provincials in the working administration of the temporal affairs over which they had charge. One would expect such books to reflect changing circumstances by showing fluctuations in valuation, and perhaps 'the ald taxacione of Bagemounde' was no less flexible and adjustable to new economic conditions. Like the almost contemporary Auld Extent valuation of civil lands, it provided a basis for taxation, but not a final or permanent pronouncement.

The passing of time, however, brought alterations not

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[1] *Registrum Episcopatus Glasguensis*, I. lxxii. Two of these *Taxationes* are printed by the editor as Appendix I. of the Introduction.

[2] Robertson makes this clear in the Preface to his *Statuta* (I. lxix).

only in matters of finance, but also in the sphere of administration and organisation. We find, for example, that the thirteenth-century deaneries contain a larger number of churches than are enumerated in the later taxation rolls. The reason for this shrinkage is explained on sundry grounds. One obvious cause is that certain livings like Durisdeer and Kirkmahoe appear in Bagimond's day as ordinary parish churches within their deaneries, but in the sixteenth-century rentals they are annexed to the chapter of the cathedral church. A revolution in economic conditions may have provided another factor. Some benefices which were flourishing in the golden days of the last Alexander may well have fallen in the course of three hundred years into such decay that they ceased to be assessed, because 'beneath the tax.' [1]

A more considerable cause was the growing practice of uniting parish churches in perpetuity to undying corporations, such as monastic houses and collegiate churches. The parish church of Selkirk lost its fiscal entity in this way. It was annexed by Eugenius IV. to the monastery of Kelso,[2] and so does not appear in the sixteenth-century tax rolls of Teviotdale. This system of annexations was, indeed, already at work. Dunscore, Tynron, and Kirkconnel contributed with the monastery of Holywood; and it is interesting that, while Canonbie and Kirkandrews paid in the beginning to the local collector, they subse-

[1] In 1446, a bull of provision to the perpetual vicarage of the parish church of Terregles was rendered 'without payment, because beneath the tax.' (Libri Annatarum, 10, 719—Vatican MSS., to be published in St. Andrews University Publications, No. xxxv.). Benefices under twenty-four florins, gold of the camera, were exempt from the incidence of annates, and Terregles was valued at £9 sterling. It may have been on the score of poverty that it paid nothing during the whole period of Bagimond's collection. Robertson points out that the later tax rolls omit benefices under the value of £40 (I. lxix). Cf. Hamilton-Grierson, *Habakkuk Bisset's Rolment of Courtis*, iii. 164-5 (*Scottish Text Society*, 1926). Bisset's copy of Bagimond's Roll is printed in Volume ii.

[2] Libri Annatarum, 8, lxxxiiij.

quently contributed with their monastery of Jedburgh. As a commentary upon the statement that all beneficed clergy, exempt and non-exempt, were to pay the tithe of Bagimond, it is noteworthy that the above-mentioned house of Holywood belonged to the exempt order of the Premonstratensians; and also that a separate roll was made up for the receipts of all the monasteries in the diocese of Glasgow.

Greatest of all the changes, however, is the entire disappearance of a whole administrative district. Bagimond's collectors assessed twelve churches, with total receipts of £55, 11s. 1d., in the deanery of Dessenes. Nowhere else do we read of such an area in the church of Glasgow, while, significantly enough, there was a contemporary deanery of Desnes in the church of Galloway.[1] The two were contiguous tracts of country. Desnes in Galloway stretched between the rivers Cree and Urr: Dessenes in Glasgow, betwcen Urr and Nith: the whole roughly co-extensive with the modern county of Kirkcudbright. This similarity, or identity, of names suggests that the ecclesiastical unit cut across the natural territorial unit, perhaps because the civil boundaries of the Western Marches were themselves fluctuating and ill-defined. However this may be, the fact is interesting that the diocese did not correspond, as so often happened, with an old tribal or political area. The deanery of Dessenes appears to have had a short existence, but the tract of Kirkcudbrightshire therein comprised continued to be comprehended within the see of Glasgow.

It is noteworthy also that in every other known taxation roll the unit of classification is, without exception, the diocese. Nowhere clse is special cognisance taken of the constituent archdeaconries of a church. This gives an added interest to thc receipt roll of the archdeaconry of

[1] Theiner, p. 116.

Teviotdale. Not only is it an early fiscal document, providing new information to supplement our scanty knowledge, but it belongs to the comparative youth of the Roman Church in Scotland, before the canker of centralisation and reservations had eaten at the roots, and before the hand of the tax-gatherer had fallen heavily upon her. The seeds of future development were already planted, but the tree was still a tender shoot, a growing and living organism.

For assistance in verifying place-names and in collation of the text my grateful thanks are due to Mr. H. M. Paton, Historical Department, H.M. Register House, Edinburgh.

ANNIE I. CAMERON.

archedyaconatus [Thevidalie] qui remanebit penes magistru[m] transcriptum Rotuli transmissi ad C[uriam Romanum].

· xxij ·

Summatus cum areragiis. Examinatus.

. . . Theuidalie Episcopatus Glasguensis

. . . . . [document mutilated] [1]

ix s.	
ix s.	
vi s.	Summa xlviii s.
vi s.	
viii s.	
x s.	

Vicarius de Rokesburgh soluit:

[Primo ann]o . .	xl s.	
[Secundo ann]o .	xxxiij s. iiij d.	
Tercio anno . .	xxxiij s. iiij d.	Summa x ℔i. xiij s. iiij d.
Quarto anno . .	xxxiij s. iiij d.	
Quinto anno . .	xxxiij s. iiij d.	
Sexto anno . .	xl s.	

Vicarius de Makeswe℔ [2] soluit:

Primo anno . . .	vi s. viii d.	
Secundo anno . . .	vi s. viii d.	
Tercio anno . . .	vi s. vi d.	Summa
Quarto anno . . .	vi s. iiii d.	xxxix s. ii d.
Quinto anno . . .	vi s. viii d.	
Sexto anno . . .	vi s. iiii d.	

[1] Mutilation is shown by dots or blank spaces.

[2] Maxwell, now in Kelso. No trace of the church now remains (H. Scott, *Fasti Ecclesiae Scoticanae*, revised edn., ii, 70).

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Primo anno . . iiii s. viii d.
Secundo anno . . iiii s. viii d.
[Ter]cio anno . . iiii s. viii d.
[Quart]o anno . . iiii s.
[Quin]to anno . . vi s. x d.
[Sex]to anno . . xiiii s. iii d.

Summa xxxix s. i d.

. . . . . .

[Primo] anno . . xx s.
[Secundo an]no xxxiii s.
[Mutilated. Several lines lost.]
[Quinto] anno . .
[Sexto] anno . . x s.

Vicarius de Hopkyrke [1] soluit :

Primo anno xii s. et pro sequentibus soluit cum suo monasterio de Jeddworth.

Ecclesia de parua Cauers :

Primo an[no] . . . xlvi s. (?)
Secundo an[no]
Tercio anno
Quarto anno
[Quinto anno]
[Sexto anno]

Summa xi ł. xii s. viii d.

. . . termino.

. . . . . .

. . . . . [Mutilated.]

[Primo anno]
[Secundo anno]
[Tercio anno]
[Quarto anno]
[Quinto anno]
Sexto anno

[Summa] xxxv ł. xiii s. iiii d.

. . . s. viii d.

[1] Hobkirk.

Rankelburne [1] soluit :

Primo anno . .	v s. viii d.	Summa xxxii s. iiii d.
Secundo anno . .	v s. iiii d.	
Tercio anno . .	v s. iiii d.	
Quarto anno . .	v s. iiii d.	
Quinto anno . .	v s. iiii d.	
Sexto anno . . .	v s. iiii d.	

Ecclesia de Hawyke soluit :

Primo a[nno] .	viij ħi. vi s. viii d.	Summa xli ħi. xiii s. iiii d.
Secundo a[nno]	arc̄	
Tercio an[no] .		
Quarto an[no]		
[Quinto anno]	arc̄	
[Sexto anno]	arc̄	

[Vicarius de] . . .

pro tribus annis defuit ibi vicarius. Summa lv s. ii d.

Vicarius de Wiltona soluit :

Primo anno	vi[ii s.]	Summa l s.
Secundo anno . . .	viii s.	
Tercio anno	viii s.	
Quarto anno	vii s.	
Quinto anno	viii s.	
Sexto anno	xi s.	

[1] Rankilburn, or Buccleuch, now part of the parish of Ettrick and Buccleuch. (*Fasti*, ii. 173.)

Vicarius de Hassedene [1] soluit :

Primo a[nno] .	xxxiiii s.	Summa viii ł. iiii s.
Secundo a[nno] . .	ii s.	
Tercio a[nno] . . .	s.	
[Quarto anno] . . .	i s. viii d.	
[Quinto anno] . . .	s. viii d.	
[Sexto anno]		

Ecclesia est abbatis de Melros Cister. ordinis, qui non soluit decimam.

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. . . . .	. . . ł ix s.
. . . . .	
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. . . . .	
Sexto [anno]	

Ecclesia de Alnecrum soluit :

Primo ann[o] .		Summa xxx ł. xiii s. iiii d.
Secundo anno		
Tercio anno . .	c. . .	
Quarto anno . .	cvi s. [vi]ii d.	
Quinto anno . .	cvi s. viii d.	
Sexto anno . .	cvi s. viii d.	

Ecclesia de lyllesclyue soluit :

Primo anno .	viii marcas vi s.	Summa xxxii ł. xi s. viii d.
Secundo anno	vi ł.	
Tercio anno .	cxix s.	
Quarto anno .	iiii ł.	
Quinto anno . .	c s.	
Sexto anno . .	vi ł.	

[1] Hassendean.

Vicarius de Haschyrche [1] soluit :

Primo anno . .	xxxi s. viii d.	Summa vii ł. v s.
Secundo a[nno] . .	s.	
Tercio a[nno] . . .	s.	
[Quarto an]no .	xx s.	
[Quinto anno] .	xx s.	
[Sexto anno] . .		

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Sexto a[nno]

[Summa] xxii ł.

Vicarius de Selkyrke regis soluit :

Primo anno . .	x s.	Summa vi ł. iij s. vi d.
Secundo anno . .	x s.	
Tercio anno . .	xv s. vi d.	
Quarto anno . .	viii s.	
Quinto anno . .	xx s.	
Sexto anno . .	lx s.	ad complementum aliorum terminorum

Vicarius de Selkyrke [Abbatis soluit] :

Primo a[nno] . . .	vi s. viii d.	Summa xl s.
Secundo a[nno] . .	vi s. viii d.	
[Tercio anno]	vi s. viii d.	
[Quarto anno]	vi s. viii d.	
[Quinto anno]		
[Sexto anno]		

[1] Ashkirk.

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. . . . . .
Sexto [anno] . . .

} Summa . . ii s. vi d.

Vicarius de longa Neutona soluit :

[Primo anno] . . ii s.
Secundo anno . xxii s.
Tercio anno . . ii s. vi d.
Quarto anno . . ii s. viii d. ob.
Quinto anno . . iii s. x d.
Sexto anno . . v s. ii d.

} Summa xxxviii s. viii d. ob.

. . . abbatis . . . [contrib(?)]uit cum aliis bonis monasterii.

Vicarius de M[a]kestounc [1] soluit :

[Primo anno]
[Secundo anno]
Tercio anno
Quarto anno . . xiii s. . . .
Quinto anno . . xiii s. iiii d.
Sexto anno . . xiii s. iiii d.

} Summa iiii li.

Rectoria de Makestoun soluit :

Primo anno . . . . . xl s.
Secundo anno . . . . xl s.
Tercio anno . . . . . xl s.
Quarto anno . . . . . xl s.
Quinto anno . . . . . xl s.
Sexto anno . . . . . xl s.

} Summa xii li.

[1] Makerstoun.

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[Primo an]no .	vi ℔. xiii s. iiii d.	
[Secundo anno]	vi ℔. xiii s. iiii d.	
[Tercio anno] .	s. iiii d.	Summa
[Quarto anno]	d.	xlii ℔. ix s. x d.
. . . . .		
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Vicarius de Rokesburg soluit :

[Primo anno]		
[Secundo anno]		
Tercio anno		Summa
Quarto anno		cvi s. viii d.
Quinto anno . .	xxvi s.	
Sexto anno . .	xxvi s. viii d.	

Tota ecclesia de Soudonc [1] soluit :

Primo anno . . .	l s.	
Secundo anno . .	lx s.	
Tercio anno . . .	lx s.	Summa
Quarto anno . .	liiii s. viii d.	xvi ℔. xiii s. iiii d.
Quinto anno . .	liiii s. viii d.	
Sexto anno . .	liiii s.	

. . . us iiii^{c} lxxix ℔. xii s. vii d.

[Decana]tus de Eske

. . . . . [document mutilated]

. . . annis sequentibus nihil soluit.

Ecclesia Sancti Cutberti [2] soluit :

Primo anno . .	xxv[i s. viii d.]	
Secundo anno .	xxvi s. viii d.	
Tercio anno . .	xxvi s. viii d.	Summa viii ℔.
Quarto anno . .	xxvi s. viii d.	
Quinto anno . .	xxvi s. viii d.	
Sexto anno . .	xxvi s. viii d.	

[1] Southdean.

[2] Probably the parish church of Ewesdale, which was dedicated to St. Cuthbert. (*Fasti*, ii. 233.)

Ecclesia de Westerkyrke soluit :

Primo anno . . .	liii s. iiii d.	Summa xvi ł.
Secundo anno . .	liii s. iiii d.	
Tercio anno . . .	liii s. iiii d.	
Quarto anno . . .	liii s. iiii d.	
[Quinto] anno . .	liii s. iiii d.	
[Sexto an]no . . .	liii s. iiii d.	

. . . . . .

. . . . . Summa cvi s. iiii d.

Eweddors [1] soluit :

Primo anno . .	[xviii s. viii d.]	Summa iiij ł. xviii s. viii d.
Secundo anno .	xvi s.	
Tercio anno . .	xvi s.	
Quarto anno . .	xvi s.	
Quinto anno . .	xvi s.	
Sexto anno . .	xvi s.	

stapelgorton vicarius soluit :

Primo anno	j m^{a}	Summa iiij ł.
Secundo anno . . .	j m^{a}	
Tercio anno	j m^{a}	
Quarto anno	j m^{a}	
Quinto anno	j m^{a}	
Sexto anno	j m^{a}	

. . . . . .

. . . . . iiii d. Summa lxiii s. ii d.

[1] Ewis-Duris.

Lydel canonicorum [1] soluit :

Primo anno . . lxv s. iiii d. } Summa
Secundo anno . liii s. iiii d. } cxviii s. viii d.

Tercio anno
Quarto anno
Quinto anno
Sexto anno
} pro istis quatuor annis contribuit cum suo monasterio de Jeddworth.

Vicarius de kyrkanders soluit :

Primo anno xii s. et pro sequentibus contulit cum suo monasterio de Jeddworth.

[Summa tota(?)]lis . . . xlviii ł. xiiii s. x d.

Decan[atus de Anandie]

Ecclesia de Anand vicarius soluit :

Primo anno . . . . i m[a]
Secundo anno . . . i m[a]
Tercio anno . . . . i m[a]
Quarto anno . . . . i m[a]
Quinto anno . . . . i m[a]
Sexto anno . . . . ii m[a]
} Summa iiii ł. xiii s. iiii d.

Cumbertres vicarius soluit :

Primo anno . . . . . x s.
Secundo anno . . . . x s.
Tercio anno . . . . ix s.
Quarto anno . . . . viii s.
Quinto anno . . . . viii s.
[Sexto anno] . . . . viii s.
} Summa liii s.

M . . . . . .

. . . . .
. . . . .
. . . . .
. . . . .
Quinto anno
Sexto anno
} [summa] vi ł.

[1] Canonbie.

Ryuel [1] soluit :

Primo anno . .	xxv s.	
Secundo anno .	xxvi s.	viij d.
Tercio anno . .	xxiii s.	iiii d.
Quarto anno . .	xix s.	
Quinto anno . .	xx s.	
Sexto anno . .	xx s.	

Summa vi ℔. xiiij s.

Daltona soluit :

Primo anno . .	xxvi s.	viii d.
Secundo anno .	xx s.	
Tercio anno . .	xx s.	
[Quarto anno] .	xx s.	
[Quinto anno] .	s.	iiii d.
[Sexto anno] . .		viii d.

Summa vij ℔. iii s. iiii d.

et debet iii s. iiii d.

Lochma[ben] vicarius soluit :

[Primo anno] . .		d.
[Secundo anno] .		d.
Tercio an[no] . .		d.
Quarto anno . .		d.
Quinto anno . .	xxvi s. . .	ij d.
Sexto anno . .	xxvi s.	viii d.

Summa viii ℔. vi s. viii d.

Mussolde [2] Rector soluit :

Primo anno . . .	xiii s.	iiii d.
Secundo anno . .	xiii s.	iiii d.
Tercio anno . . .	xiii s.	ii d.
Quarto anno . . .	xi s.	iiii d.
Quinto anno . . .	x s.	
Sexto anno . . .	x s.	

Summa lxxi s. ii d.

kyrkepatric Juxta gretenov [3] Vicarius soluit :

Primo anno . . .	x s.	viii d.
Secundo anno . .	x s.	viii d.
[Tercio anno] . . .	ix s.	viii d.
[Quarto anno] . .	ix s.	
. . . . .	s.	
. . . . .		

Summa lvi s.

[1] Ruthwell. [2] Mouswald. [3] Kirkpatrick-Fleming.

kyrkepatric Juxta Moffeth [1] soluit :

Primo anno . .	xxvi s. viii d.	Summa vi ℔i. xiii s. iiii d.
Secundo anno . . .	nihil	
Tercio anno . .	xxvi s. viii d.	
Quarto anno . .	xxvi s. viii d.	
Quinto anno . .	xxvi s. viii d.	
Sexto anno . .	xxvi s. viii d.	

Parua daltona soluit :

Primo anno . . .	xv s. xi d.	Summa iiii ℔i. vii d.
Secundo anno . .	xiii s. iiii d.	
Tercio anno . . .	i m^{a}	
Quarto anno . . .	i m^{a}	
Quinto anno . . .	i m^{a}	
Sexto anno . . .	xi s. iiii d.	

Gretenhov [2] Vicarius soluit :

Primo anno . . .	x s. viii d.	Summa lii s.
Secundo anno . .	x s. iiii d.	
Tercio anno . . .	ix s.	
Quarto anno . . .	vii s. iii d.	
Quinto anno . . .	vii s. iiii d.	
Sexto anno . . .	vii s. iiii d.	

Hodolme [3] Rector soluit :

Primo anno	xx s.	Summa vi ℔i.
Secundo anno . . .	xx s.	
Tercio anno	xx s.	
Quarto anno	xx s.	
Quinto anno	xx s.	
Sexto anno	xx s.	

Drunnoc [4] Rector soluit :

Primo anno .	xxxiii s. iiii d.	Summa ix ℔i. ii s. vi d. ob.
Secundo anno	xxxiii s. vi d. ob.	
Tercio anno .	xxviii s.	
Quarto anno .	xxviii s.	
Quinto anno .	xxix s. iiii d.	
Sexto anno .	xxix s. iiii d.	

[1] Kirkpatrick-Juxta. [2] Gretna. [3] Hoddam. [4] Dornock.

Raynpatric [1] Vicarius soluit :

Primo anno .	viii s.	Summa xliii s.
Secundo anno	ix s.	
Tercio anno .	vii s.	
Quarto anno .	viii s.	
Quinto anno .	iiii s. pro 1 termino	
Sexto anno .	vi s.	

Carrothres Rector soluit :

Primo anno . .	xxvi s. viii d.	Summa vi li. xix s. ii d.
Secundo anno .	xxvi s. viii d.	
Tercio anno . .	xxvi s. viii d.	
Quarto anno . .	xxvi s. viii d.	
Quinto anno . .	xix s. ii d.	
Sexto anno . .	i m^{a} pro 1 termino et pro alio nihil.	

Los [2] soluit :

Primo anno . . .	ii s. viii d.	Summa xvi s.
Secundo anno . .	ii s. viii d.	
Tercio anno . . .	ii s. viii d.	
Quarto anno . . .	ii s. viii d.	
Quinto anno . . .	ii s. viii d.	
Sexto anno . . .	ii s. viii d.	

Trauercrolle [3] Soluit :

Primo anno . .	xiii s. iiii d.	Summa lxiii s. viii d.
Secundo anno .	xiii s. iiii d.	
Tercio anno . .	x s. viii d.	
Quarto anno . .	x s. iiii d.	
Quinto anno . .	viii s.	
Sexto anno . .	viii s.	

[1] Rinpatrick, now part of Gretna. The church has been swept away by the Solway. (*Ibid.*, 246.)

[2] Luce on Annan. Now united in one parish with Hoddam and Ecclefechan.

[3] Corrupt reading of Trailtrow. The parish is now joined with Cummertrees. (*Ibid.*, 243.)

Pennersax soluit :

Primo anno .	xxvi s. viii d.	Summa cxv s.
Secundo anno	xxvi s. viii d.	
Tercio anno .	xxiii s. iiii d.	
Quarto anno .	xix s.	
Quinto anno .	ix s. pro 1 termino pro alio nihil	
Sexto anno .	x s. pro 1 termino pro alio nihil	

magna Hotoun [1] soluit :

Primo anno . .	xxiii s. iiii d.	Summa x ℔. xviii s. iiii d.
Secundo anno .	nihil	
Tercio anno . .	xxv s.	
Quarto anno . .	liii s. iiii d.	
Quinto anno . .	liii s. iiii d.	
Sexto anno . .	liii s. iiii d.	

medelby Rector soluit :

Primo anno .	xviii s. viii d.	Summa lxvi s. ii d.
Secundo anno	ix s. iiii d.	
Tercio anno .	xiii s. vi d. ob.	
Quarto anno .	viii s. vii d. ob.	
Quinto anno .	viii s.	
Sexto anno .	viii s.	

Eglefeham [2] soluit :

Primo anno	ii m^{a}	Summa viii ℔.
Secundo anno . . .	ii m^{a}	
Tercio anno	ii m^{a}	
Quarto anno	ii m^{a}	
Quinto anno	ii m^{a}	
Sexto anno	ii m^{a}	

Summa tottalis Dècanatus anandie ii^{c} xxiii ℔. xvi s. viii d.

[1] Hutton.

[2] Ecclefechan.

Decanatus de Nych

Donefres Vicarius soluit :

Primo anno .	xxiiii s.	Summa lx s.
Secundo anno	xxiiii s.	
Tercio anno .	xii s. pro 1 termino pro alio nihil	

Quarto anno, Quinto anno, Sexto anno } pro istis tribus annis nihil soluit.

Ecclesia de Dunscore est abbatis de sacro nemore et soluit cum aliis bonis monasterii.

Glencearne soluit :

Primo anno . .	lxiii s. iiii d.	Summa xxi ℔. xvi s. viii d.
Secundo anno . .	lxiii s. iiii d.	
Tercio anno . .	lxiii s. iiii d.	
Quarto anno . .	lxiii s. iiii d.	
Quinto anno .	iiii ℔. iii s. iiii d.	
Sexto anno . . .	lx s.	

Ecclesia de Tymeronne [1] est abbatis et conventus de sacro Nemore et soluit cum monasterio.

Ecclesia de Penpunt [2] fuit Collectoris de Aberdene.

Ecclesia de Kyrkoneuel [3] est abbatis et conventus de sacro nemore et soluit cum monasterio.

senechar [4] Rector soluit :

Primo anno .	ii m^{a} et dimidia	Summa vi ℔. vi s. viii d.
Secundo anno, Tercio anno, Quarto anno, Quinto anno	pro istis iiii^{or} annis non soluit	
Sexto anno . .	vii m^{a} Epc [?]	Episcopus].

[1] Tynron.

[2] In the later taxation rolls the church of Penpont is assessed in the deanery of Nithsdale. [3] Kirkconnel. [4] Sanquhar.

Kyrkebride soluit :

Primo anno . .	xiii s. iiii d.	Summa vii ℔. vi s. viii d.
Secundo anno .	xiii s. iiii d.	
Tercio anno . .	xvi s.	
Quarto anno . .	xxxiii s. iiii d.	
Quinto anno . .	xxxiii s. iiii d.	
Sexto anno . .	xxxvii s. iiii d.	

Dorsdere [1] soluit :

Primo anno . .	liii s. iiii d.	Summa xxvi ℔. xvi s.
Secundo anno .	liii s. iiii d.	
Tercio anno . iiii ℔.	vi s. viii d.	
Quarto anno . vi ℔.		
Quinto anno . vi ℔.		
Sexto anno . .	cii s. viii d.	

Dalgarnoc Vicarius soluit :

Primo anno	xx s.
Secundo anno . . .	nihil
Tercio anno	x s.
Quarto anno	x s.
Quinto anno	x s.
Sexto anno	x s.

Summa lx s.

kylhosbern [2] soluit :

Primo anno . . .	x s. viii d.	Summa lviii s.
Secundo anno . .	x s. viii d.	
Tercio anno . . .	x s. viii d.	
Quarto anno . . .	v s. iiii d.	
Quinto anno . . .	x s.	
Sexto anno . . .	x s. viii d.	

kyrkemichel soluit :

Primo anno	ii m^{a}
Secundo anno . . .	ii m^{a}
Tercio anno	ii m^{a}
Quarto anno	ii m^{a}
Quinto anno	ii m^{a}
Sexto anno	ii m^{a}

Summa viii ℔.

[1] Durisdeer.

[2] Closeburn.

Garuiald [1] soluit :

Primo anno	xl s.	Summa xii ł.
Secundo anno	xl s.	
Tercio anno	xl s.	
Quarto anno	xl s.	
Quinto anno	xl s.	
Sexto anno	xl s.	

Brimgray [2] soluit :

Primo anno . .	dimidia m^{a}	Summa xl s.
Secundo anno .	đi m^{a}	
Tercio anno . .	đi m^{a}	
Quarto anno . .	đi m^{a}	
Quinto anno . .	đi m^{a}	
Sexto anno . .	đi m^{a}	

Trauerflatte [3] Vicarius soluit :

Primo anno . . .	x s.	Summa vi ł. iii s. iiii d.
Secundo anno .	xx s.	
Tercio anno . .	xxvi s. viii d.	
Quarto anno . .	xx s.	
Quinto anno . .	xx s.	
Sexto anno . .	xxvi s. viii d.	

Tynwalde soluit :

Primo anno .	xxxv s. iiii d.	Summa ix ł. x s. vi d. quarta
Secundo anno	xxxv s. iiii d.	
Tercio anno .	xxxii s.	
Quarto anno .	xxviii s. x d.	
Quinto anno . .	xxx s.	
Sexto anno . .	xxix s. quarta	

[1] Garvald, now Garrel.
[2] A misreading for Irongray ; now Kirkpatrick-Irongray.
[3] Trailflat.

Torthoralde soluit :

Primo anno	xl s.	Summa xii ℔.
Secundo anno	xl s.	
Tercio anno	xl s.	
Quarto anno	xl s.	
Quinto anno	xl s.	
Sexto anno	xl s.	

Kyrkcblane [1] Vicarius soluit :

Primo anno . .	vii s.	Summa xlix s.
Secundo anno . .	v s.	
Tercio anno . . .	v s.	
Quarto anno . . .	x s. viii d.	
Quinto anno . . .	x s. viii d.	
Sexto anno . . .	x s. viii d.	

Mortoun Vicarius Soluit :

Primo anno . .	xvii s. iiii d.	Summa xlviii s. viii d.
Secundo anno .	xvii s. iiii d.	
Tercio anno Quarto anno Quinto anno	non invcniuntur in rotulo	
Sexto anno . .	xiiii s.	

kyrmaho [2] soluit :

Primo anno	iiii ℔.	Summa xxiiii ℔.
Secundo anno . . .	iiii ℔.	
Tercio anno	iiii ℔.	
Quarto anno	iiii ℔.	
Quinto anno	iiii ℔.	
Sexto anno	iiii ℔.	

Summa totalis Deaconatus de Nych
cxlix ℔. xv s. vi d. quarta.

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[1] Kilblane.

[2] Kirkmahoe.

Deacanatus de Dessenes

Creuequer [1] Vicarius soluit :

Primo anno . .	xxvi s. ix d.	Summa cxvi s. i d.
Secundo anno .	xxiii s. iiii d.	
Tercio anno . .	xviii s.	
Quarto anno . .	xvi s.	
Quinto anno . .	xvi s.	
Sexto anno . .	xvi s.	

Creuequer Rector soluit :

Primo anno	xl s.	Summa xii ℔i.
Secundo anno	xl s.	
Tercio anno	xl s.	
Quarto anno	xl s.	
Quinto anno	xl s.	
Sexto anno	xl s.	

Lochyndelocc [2] soluit :

Primo anno . . . . ii m^{a} [*sic*]

[Only first ycar given.]

Kyrkebene Vicarius soluit :

Primo anno . . .	xxi s. iiii d.	Summa iiii ℔i. xvi s.
Secundo anno .	xxi s. iiii d.	
Tercio anno . .	xiii s. iiii d.	
Quarto anno . .	xiii s. iiii d.	
Quinto anno . .	xiii s. iiii d.	
Sexto anno . .	xiii s. iiii d.	

[1] A misreading for Treverquer : Troqueer.

[2] Lochkindeloch, now New Abbey. (*Ibid.*, 293.)

Suthayc [1] soluit :

Primo anno .	xxvi s. xi d.	Summa vi ℔. xiii s. ii. d.
Secundo anno	xxiiii s. ix d. oƀ.	
Tercio anno .	xxviii s. v d. oƀ.	
Quarto anno . .	xx s.	
Quinto anno . .	xx s.	
Sexto anno . .	xx s.	

Culwenne [2] Vicarius soluit :

Primo anno . . .	x s. iii d.	Summa lxvi s. viii d.
Secundo anno . .	x s.	
Tercio anno . . .	vi s. viii d.	
Quarto anno . . .	vi s. viii d.	
Quinto anno . . .	vi s. viii d.	
Sexto anno . .	xxvi s. v d.	

Urre Vicarius soluit :

Primo anno . . .	dimidia m^{a}	Summa xl s.
Secundo anno . .	đi. m^{a}	
Tercio anno . . .	đi. m^{a}	
Quarto anno . . .	đi. m^{a}	
Quinto anno . . .	đi. m^{a}	
Sexto anno . . .	đi. m^{a}	

kyrkepatric durannt [3] soluit :

Primo anno . . .	xxxiiii s.	Summa viii ℔. iiii s.
Secundo anno . .	xxxvi s.	
Tercio anno	xxiii s.	
Quarto anno	xxiii s.	
Quinto anno	xxiiii s.	
Sexto anno	xxiiii s.	

Blaket [4] Vicarius soluit :

pro Sexto anno iii s. iiii d. et pro reliquis annis nihil.

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[1] Southwick, now in the parish of Colvend. (*Ibid.*, 295.)
[2] Colvend.
[3] Kirkpatrick-Durham (or Dorand). (*Ibid.*, 284.)
[4] Blacket, now in the parish of Urr.

Lochreuctone [1] Vicarius soluit :

pro primo anno iii s. iiii d. et pro reliquis annis nihil.

Trauereglcs [2] : pro toto tempore, nihil

kyrkpatric Cro [3] soluit :

Primo anno . .	xxxii s.	
Secundo anno	xxxvii s. iiii d.	
Tercio anno .	xxxvii s. iiii d.	Summa
Quarto anno .	xxxvii s. iiii d.	xi ł. ii s. viii d.
Quinto anno .	xxxviii s. viii d.	
Sexto anno . . .	xl s.	

Summa decanatus de Dossenes lv ł. xi s. i d.

Summa totalis omnium summarum suprascriptarum ix^{c} lvii ł. vii s. xi d.

Omnia monasteria Episcopatus Glasguensis continentur in rotulo confecto de Archedeaconatu Glasguensi Unde non est requirendum in isto rotulo.

[Notarial sign.]

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[1] Lochrutton. [2] Terregles.

[3] Possibly another name for the parish of Kirkgunzeon. There is an old estate of Corra in this parish.

LETTERS

FROM JOHN, EARL OF LAUDERDALE AND OTHERS TO SIR JOHN GILMOUR, PRESIDENT OF SESSION

Edited by

HENRY M. PATON

INTRODUCTION

By eourtesy of Sir Robert Gordon Gilmour, Baronet, of Liberton and Craigmillar, the following Correspondence of his ancestor, Sir John Gilmour of Craigmillar, Lord President of the Court of Session, has been made available to the Society for publication. It consists of eighty-nine Letters and Papers, all of which are beautifully preserved in Sir Robert's strong-room at 'The Ineh,' Liberton, as part of a most interesting historical collection.

The bulk of thc Correspondence dates from Sir John Gilmour's appointment as President in 1661 to the fall of Middleton in 1663; but there arc some letters and papers of earlier and later date. Gilmour's chief correspondent is John, Earl of Lauderdale, whose letters, with the President's replies, form a valuable supplement to other eollections of Lauderdalc Papers. None of them are eontained in Osmund Airy's list, and partieularly there are nine for the period September 1661 to September 1662, for which Airy has no letters at all. They do not materially alter the received estimatc of the Sceretary's eharacter. He had many cnemies, but rejoices that he was 'not yet knoekt on the head, nor feld with a billet' (Letter XXIX). He would fain avow himself as one of the most altruistic of men (XIII, XXV); and that his royal Master held the balanees so evenly that no interferenee with the eourse of justiee was possible, or any attempt to bribe a deeision (XVI, XIX, LXXXV, LXXXVI). Such speeiousness was only a eloak to secure new favours; but both King and scrvant seem to have found in Sir John a man

not altogether so flexible as some of his contemporaries (XV, XVII, XX). Where, however, favour could be granted with a clear conscience, Gilmour was ready to do his utmost endeavour (XII, XXXIV, LIV); and now and again Lauderdale writes in a warmer tone, and signs with a friendly gesture (LXI).

There are only two letters from the Earl of Middleton, one before and one after his defeat (XXX, LXXXI), but having no relation to that event. The miscarriage of his schemes against Lauderdale introduces a jubilant note into the latter's communications with the President (XLIX, L, LIII, LIV, LVIII, LXI); and others who become entangled in the diplomatic web provoke fresh outbursts of triumph (XL, XLI). Middleton's trump card, the 'Billetting' or Balloting Act (for the exclusion of twelve persons, including Lauderdale, from the benefit of the Act of Indemnity), is seldom mentioned (XL, LXVIII, LXXI); but his interference with the proclamation anent the Fines (another section of the same Act of Indemnity) comes in for scathing criticism (XLIX, L, LIII).

Other notable correspondents were, Sir Robert Moray, 'soldier, statesman and man of science,' who had also incurred the displeasure of the Middleton faction, and whose letters end with a characteristic salutation (XII, XXIII, XXIV, LXXIII); Sir James Dalrymple of Stair, who manifests his evident dislike to the policy of the times (LXX); and the Earl of Rothes, whose efforts (XLII, LI, LVI, LXVI, LXXIV, LXXV, LXXXVII) are not so illiterate as they are reported to be in other cases, though his daughter's certainly are (VI, XXXIX).

Among matters engaging the Lord President in his official capacity, the most prominent in this Correspondence concern the annulment of the secret marriage (9th February 1659) of Mary, Countess of Buccleuch with Walter Scott,

Earl of Tarras (VI, XIX, XX); and the arrangements for the marriage (20th April 1663) of her sister Anna, Countess of Buccleuch, with the King's son James, Duke of Monmouth (LI *et passim*). An abortive design on the part of Earl Rothes with regard to the young Countess is alluded to (XXI), and his unwilling accession to the King's wishes (LI, LII). The complicated efforts made to override the successful suitor's defect of birth form the subject of Letters XXXVII, XXXIX, XLIII-XLIX. It is a notable instance of the conflict between English and Scots law, to the advantage of the latter; and the royal displeasure is provoked by the fact (LXIV, LXV).

There is repeated reference to some misfortune which befell an alleged kinsman of Lauderdale (XXXIV, XXXVI, L, LIV, LV). The gentleman in question was James Pringle (or Hoppringle) of Torsonce; but what he had done, or in what degree of kinship he stood to his noble advocate, has not been ascertained. His brother John was factor to the Earl. The Records, however, show that Torsonce was warded in the Tolbooth of Edinburgh on 28th November 1662, and liberated on 26th February 1663 on a warrant signed by 'Jo. Gilmure' in presence of the Lords; and profuse thanks is rendered to Sir John by all persons interested.

The Letters must, however, be left largely to speak for themselves, with here and there a footnote for elucidation. It is only necessary, in conclusion, to give a brief sketch of Sir John Gilmour and the part he took in public affairs.

His father, John Gilmour, belonged to a Fifeshire family, and in 1598 was admitted a Writer to the Signet. In 1608 he obtained a charter of the lands of Lochmalony, Fife, and later acquired other property. By his first wife, Margaret Wentoun, he had two sons and two daughters; and by his second wife, Margaret Edmond, six sons.

Three of the sons entered the legal profession: Robert, the eldest, became a W.S.; Andrew, the sixth son, rising to eminence as an advocate, was created a baronet in 1661, but died within a year later; and of John, the second son, the story is here told.

John Gilmour was baptized in Edinburgh on 19th May 1605. He was admitted a member of the Faculty of Advocates on 11th December 1628, and rose to the highest eminence at the Bar. In 1633, for services rendered by him to the town, the magistrates of Musselburgh granted him a pension of £20 for life. He was defending counsel for the Marquis of Huntly in 1639 when the latter was absolved from an action by the Earl of Errol, and from another complaint in connection with reset of the Clan Gregor. When the Earl of Montrose was arraigned before Parliament in 1641, Mr. John Gilmour pled his case so ably that he was acquitted. This led to his being employed by many persons of high degree (Letters IV-VII). He was knighted by Charles II. in 1650; and at the reversal of fortunes took refuge with other prominent Royalists in Dundee, and was there when it was captured by Monck. He and his family received the latter's protection (Papers I and II). The two came into communication again, under strangely different conditions (XXII).

In 1653 George Preston, the Laird of Craigmillar, came to an interesting agreement with Gilmour about a pension for services rendered, and offered also to provide accommodation in the castle of Craigmillar for him and his family, when required (Paper III). The Prestons fell into deeper financial difficulties, and had eventually to dispone the estates entirely to Sir John, who thus in 1660 became Laird of Craigmillar.

He built the more modern portion of the castle, on the western side of the inner court, in the following year. There is an interesting order recorded in the Burgh Records

of Peebles, which runs as follows : ' 17 June 1661 : upon reeeipt of a letter from Sir John Gilmure, president of the eounsell, it is unanimouslie statute and ordeaned that the town shall furnish the haill able horssis for carieing in sklaittes from Stobo to the hous of Craigmiller belonging to Sir John Gilmure, president of the counsell and sessioun.' Others were ordered to supply lime. He also acquired Craiglockhart and Nether Liberton in 1663.

He received several tokens of royal favour in the year 1661. He was appointed a member of the new Privy Council, was created a Lord of Exchequer, and also sat as M.P. for the Shire of Edinburgh in the Parliament that met on 1st January 1661, and in all subsequcnt Parliaments till his death in 1671. He was on many committees, and was appointed a Lord of the Articles. His assiduous devotion to duty is attested by the fact that from July 1661, when the Council first sat, till the end of 1664, out of 125 possible attendances Sir John's were 110 ; and from 1665 to 1669, of a total of 205 days he attended on 173. His numerical record as a Law Lord has not been expiscated, but he doubtless showed the same activity in that sphere. In February 1661 Lauderdale congratulated him on his aceeptance of thc King's commission to be Lord Prcsident of the Session (VIII), and provision was made for his recompense in that capacity (IX, XI). One of his first tasks was to temper Middleton's zeal against the Marquis of Argyll at his trial before Parliament in February 1661, and this he did by declaring ' that after paying all the attention in his power to the case, he could find nothing proved against the Marquis but what the greater part of the House were as guilty as he ' (Brunton and Haig's *Senators of the College of Justice*, p. 351). Middleton countered with this, ' that what Sir John had said was undoubtedly true, but that thc King

might pitch upon whom he pleased to make an example of' (*ibid.*).

On 27th September 1662 he was summoned to Whitehall, and requested to proceed thither with all haste (XXVIII, XXIX). Whatever his own fears or anticipations, his progress was attended by a variety of counsels and admonitions, indicative of the precariousness of the times (XXX *et seq.*). Subsequent letters doubtless refer to some of the matters then discussed.

Lord Stair, in the preface to his *Decisions*, says: 'Sir John Gilmour was a man of great strength of body and spirit when he undertook the office of President, but the weight of that charge did in a few years sink him, and he was obliged' to resign his charge on 22nd December 1670. Something of the strain must have begun to tell as early as 1665, in which year he made his will, and nominated tutors to his children (LXXXII). His last appearance in court was on 26th November 1670; and his successor, Sir James Dalrymple of Stair, was appointed on 7th January 1671. Sir John died at Craigmillar on 14th August 1671, and was buried in Liberton Kirk on 24th August. He was succeeded in his estates by his eldest surviving son, Alexander, the nineteenth child of a family of twenty! Sir John's portrait, by Old Scougal, hangs at 'The Inch'; and there are also pictures of his third and fourth wives. In 1704 a quarto volume was published, containing his 'Observes on the Decisions of the Lords of Council and Session, July 1661 to July 1666.'

From all that is on record regarding him, he was a man of integrity and possessed of a high sense of public duty. In Letters LX and LXV he protests this in his own defence; and Sir Robert Moray pays ready tribute to his worth (XXIII). His forensic skill is extolled by Sir George Mackenzie in words of which the following is a

free translation: The elder Gilmour, without speeial training in Civil Law, was its eminent exponent; and by his skill brought the practiee of the Seottish Bar up to the standard of that of aneient Rome. He might be said to be rather a maker of laws than an interpreter of them; and elients approaehed him more as a judge than as an advoeate. Like another Hereules, he confounded his adversaries rather by rude argument than by polished periods. No rhetorician, he was yet eloquent; unlettered, yet a master. Nisbet, full of letters and eloquenee, was set over against him as it were to balanee the seales of justiee. When they took opposite sides, with Gilmour lay the distinction, with Nisbet the prize; what the latter aehieved through refinement and rhetorical skill, the former won by the force of his natural gifts.

Sir John's first wife was Margaret Ainslie (married 1st August 1631), and by her he had no fewer than fourteen ehildren. She died at Dundee on 7th Deeember 1650; and all the children died in infancy except three:

Margaret, born 1639, married 1656 Andrew Wauehope, eldest son of Sir John Wauehope of Niddrie.
Janet, born 1640, married 1661 Sir John Nicolson of Lasswade.
Barbara, born 1644, married 1663 George Lockhart, eldest son of Sir George Lockhart of Carnwath.

He married, seeondly, on 9th Oetober 1651, at the kirk of Ellon, Janet Forbes, daughter of Thomas Forbes of Waterton. She gave birth to a son, who died shortly after, and she fell into a fever whereto she succumbed. Of this event Sir John writes in his Diary: 'Ane exeeeding great worldly los to me and many, for a better woman & wyfe could thair not be. The Lord humble me moir and moir under His hand and mak me thankfull.'

Sir John's third wife was Margaret Murray, eldest daughter of Sir Alexander Murray of Blackbarony. They

were married at Haddington on 16th June 1653. By her he had issue as follows :

Helen, born 1654, married 1678 William, eldest son of Sir John Baird of Newbyth and Gilmerton. She died 1701.
Anne, born 1655, died unmarried 1703.
Margaret, born 1656, married Sir James Oswald of Fingalton. She died 1697.
ALEXANDER, who suceeeded.

His fourth wife was Margaret Cockburn, daughter of Sir William Cockburn of Langton (married 19th October 1659), by whom he had :

Jean, born 17th August 1662, married 1682 Robert Stewart, son of Sir James Stewart of Kirkfield, Provost of Edinburgh.

Lady Gilmour was a worthy and pious lady, who long survived her husband.

HENRY M. PATON.

Note.—Mr. Angus, to whom I am indebted for much help, points out that Letter LIII is printed in *Reg. of Privy Council*, Third Series, vol. i. p. 348 ; and Letter LXXI in Fraser's *Earls of Cromartie*, vol. i. p. xcvii.

THE LAUDERDALE CORRESPONDENCE

I. PASS FROM GENERAL MONCK TO SIR JOHN GILMOUR.

DUNDEE, 7 *September* 1651.

Whereas Sir John Gilmore desires my pass to returne to his place of residence with his servants horses and other goods: These are therefore to require all officers and souldiers under my command to permitt the said Sir John Gilmore with his servants and horses to returne to Dundee and frome thence to transeport themselves to Edenburgh without molestation. Given under my hand at Dundee the 7th of September 1651. (Signed) GEORGE MONCK. [Directed] 'To all officers and souldiers whome these may concerne.' [I. 3]

II. PASS FROM GENERAL MONCK TO SIR JOHN GILMOUR.

DUNDEE, 27 *September* 1651.

These are to require all officers and souldiers under my command and to desire all others whome it may concerne neither to offer or doe any violence or injury to the person of Sir John Gilmour, Knight, his wife, children, tenands, servants, nor to seize or take away any of their Horses, Cattle, Sheepe, or their goods whatsoever belonging to them; but to suffer and permitt them freely and quietly to reside and abide within their severall houses, as likewise to passe and repasse to any place or places within thir Quarters and to follow their lawful occasions and enjoy peaciably the benefitt of this protection; Provided that they pay the assessments imposed on them by Publick Order and that they act nothing prejudiciall to the Commonwealth of England. Dated under my hand at Dundee the 27th of September 1651. (Signed) GEORGE MONCK. [Directed] 'To all officers, souldiers and others whom these may concerne.' [I. 4]

III. DISPOSITION BY GEORGE PRESTON OF CRAIGMILLAR TO SIR JOHN GILMOUR, OF A YEARLY PENSION OF VICTUAL.

EDINBURGH, 18 *April* 1653.

Be it kend till all men be thire present letteris, Me George Prestoune of Craigemiller, Forsamikle as the deciest David Prestoune of Craigmillar my father and I by our letter of pensione did give and dispone to Sir Johne Gilmoure, advocat, for the good and thankfull service and offices donne and to have been donne, Ane chalder of beare yearelie dureing his lyftyme to have beene payed out of the landis of the Camerone, and sicklyk did sett in tak and assidatione to the said Sir Johne dureing his lyftyme the haill duelling housses and uther office housses of the Camerone with the yairdis and pertinentis of the samen, for yearlie payement of ane pennie: And seeing the saids landis of Camerone with the housses, bigginis, yairds and pertinentis thereof ar by me lawfullie disponed to Robert Murray, baillie of Edinburgh, Thairfor and in satisfactione of the said yearlie pensione and for the said Sir Johne his futur payement of the said chalder of beare dureing his lyftyme, Witt ye me to have given granted and disponed and be thire presentis gives grantis and disponis to the said Sir Johne Gilmore yearlie dureing all the dayes of his lyftyme all and haill ane chalder of good and sufficient beare, to be uplifted and taken out of the maines of Craigmiller yearlie, beginning the first yeares payment thereof at Witsonday nixtocum for the cropt jm.vjc. and fyftie tuo yeires; of the quhilk yearlie pensione of ane chalder of good and sufficient beare I bind and oblies me my aires executouris and successores to mak good and thankfull payment to the said Sir Johne Gilmor, ore caus the tenentis of the said maines of Craigmiller mak payement yearlie during all the dayes of his lyftyme; and sicklyk I bind and obliess me and my forsaids to helpe and repaire alse many roumes in the howse of Craigmiller [1] as shall be sufficient for the said Sir

[1] The lands of Craigmillar were heavily mortgaged, and Preston eventually sold them to Gilmour in 1660.

Johne the accommodatione of him and his familie, when he shall please mak his residence ther, and to uphold the samen, and be thire presentis setts the samen roumes and howse repaired and to be repaired to the said Sir Johne dureing all the dayes of his lyftyme in tak and assidatione for yearlie payement of ane pennie at the fiest of Witsonday if the samen beis asked allennarlie; and for the maire securitie consentis thir presentis be registrat in the bookis of the high court of justice or any judges bok competent within this natione, that letters of horning may be direct hierupone on sex dayes onlie and utheres niedfull, and to that effect constituts my procuratouris etc. In witness quhairof (wretten be James Dalzell servitor to Mr. Williame Syme advocat) I have subscryved thir presentis with my hand Att Edinburgh the eighteint daye of Aprill jm. vjc. and fyftie thrie yeares, Befor thire witnesses, the said Mr. William Syme and Robert Hay, wreiter to the signet. (Signed) CRAIGMILLAR; Ro: Hay, witnes; Wm. Syme, witnes. [I. 6]

IV. ANNE, DUCHESS OF HAMILTON, TO SIR JOHN GILMOUR.

1 *December* 1656.

SIR,—To renewe my desiere I have derected this bearrer to waite upon you who can informe you of what importance itt may be to me that you imeadatlie bc at the paines to come to Hamilton that I may by your advyce know how to prosecute that right made me by my unckell and framed by yourselfe.[1] I doubt not but I shall mete with the same integretie of your opinione in improving that right now for my advantage which my unckle did in the contryvinge of itt, and you may be asured to finde such a requittal as a favour of this nature may justlie challengc from Your servant and freind, A. HAMILTON. [I. 12]

[1] On the death of William, 2nd Duke of Hamilton, in September 1651, his niece Anne succeeded to his titles and estates, in terms of entail.

V. WILLIAM, 2ND EARL OF ROXBURGHE, TO SIR JOHN GILMOUR.

HALYDEN, 23 *June* 1657.

MOST WORTHIE FREIND,—Having understood by Mr Thomas Lirmontt letter that Mr Johne Harper hath wreaten to me to come to toune on Monday nixt, which tho I have not received yet I conceive its anent meeting my Lord Lee,[1] and therfor suffer me earnestly to intreat you to do me the favour to speake with my Lady Cassillis in the bissnes, and I am confident her Ladyship and you may close that matter better then if I wer ther. However if you shall judge my coming necessare I shall not spare my paines, if we can get them to accept of thrittie thousand pound.[2] I think itt the ill best, bot that my lady and you does schall heartilie be acquiesed in by me, and the sounor it be done will be the better now, only ther will be a necessity of having tyme to raise it out of it self, and when they shall be satisfyed as to the soume I shall wayte upon you to have the way of ordering my security put in a right frame. This amongst the many other tyes you have put upon me shall not be the least, for believe me my hapiness in your freindshipe and kindnes is a blessing I am sensible of, as Godwilling you shall find in all thinges wherin I can show my help. Your trewly affectionat freind to serve you, ROXBURGHE. [I. 15]

VI. LADY MARGARET LESLIE[3] TO SIR JOHN GILMOUR.

WEMYSS, 15 *February* 1659.

SIR,—I dout not bot some people will be speking and contreiving what ther malice can sugest to them upon this latc ocasion of my daughters maradge, and tho posiblie

[1] Sir James Lockhart of Lee, a Lord of Session. He was imprisoned in the Tower for some years after 1651.

[2] This has perhaps to do with the £6000 fine imposed on the Earl by Cromwell in 1654.

[3] The writer of this letter was Lady Margaret Leslie, daughter of the Earl of Rothes, whose first husband was Alexander Lord Balgonie, son of the 1st Earl of Leven. She married secondly, Francis, 2nd Earl of Buccleuch, and the

non will kyth in it bot Scotstarvit and Thirlstain yet it may be easely conjecturcd whos euquos [1] they are and whos desinge they dryve on, and that others also may foment stryf wherof I am not much afreyed, for it will be fund that what is doon is upon very good grunds. Yet least I or any of my relations should sufer anc indignity by having it publickly questioned (which is all that I fear for now I houp it to be past all remedie), I doe earnestly recomend it to your care and diligcnce wherof I expect faithful account. My brother, the Earllc of Rothes, will either wret to you or speak with you himself shortly at mor leanth, wherfor I shall trouble you no mor at present, bot that I am, Sir, Your very humble servant, MARGARET LESLIE. [I. 17]

VII. JOHN, EARL OF LAUDERDALE, TO SIR JOHN GILMOUR.

WHITEHALL, 20 *January* 1661.

SIR,—I rendre you many thanks for the paines you have taken in my affaires ; if it fall out that my service may be usfull to you, beleeve I sall not be wanting. In the last pacquet I returncd ane answer to the particulars which my friends ask't my advice in, which I sall not rcpeat. In the meane tyme I desyre your advice, in the poynt of remission of adultery or incest, or slauchter or such lyk—what the King may or useth to do according to the lawe of Scotland. As also I wald gladlie be informed, how farre his Majestie may go, for the exoneration of a Brugh, out of who's prison a pcrsonne committed for dcbte hath escaped ; if he may protect them (they nather having contribut to, nor connived at his escape) against the

above letter was about cancelling the marriage of her eldest daughter Mary, Countess of Buccleuch, to Walter Scott, eldest son of Sir Gideon Scott of Highchester. The bridegroom was created Earl of Tarras for life. Mary, Countess of Buccleuch, died 11th March 1661. At the time of writing the above letter Lady Margaret had married her third husband, David, 2nd Earl of Wemyss. She appears generally to have signed herself by her maiden name.

[1] Is this a form of 'yockel,' which Jamieson (*Scot. Dict.*) gives also in spelling 'yocko'?, meaning persons easily led, yoked to the service of their masters.

persuitc of the creditors of the fugitif, or give them a warrand to apprehend him whersoever he may be found. Be pleased to resolve me in thes particulars according to the law and practice of Scotland, so soon as may be, and you sall oblige, Sir, Your most affectionat freind and servant, LAUDERDAILL. [I. 19]

VIII. SAME TO SAME.

WHITEHALL, 17 *February* 1661.

MY LORD,—It was no small satisfaction to me to heare of your accepting this charge the King hath called you to, which I looke on as a singular advantage to his Majestie's service and your countrey's good. The gift of your pension (filled up with the King's hand 500 lib.) I have sent to the Commissioner with your nomination to the place; You owe the thankes solely to his Majestie. As to that you wrote concerning the place for your servant, you may be confident the King will not name any. I was often prest by Sir John Falconer, but I beare that respect to the Lords of Session that I wold not be instrumentall to name any to a place at their disposall. Now give me leave againe to give you most heartie thankes for your care in my concerns; besides your owne care, I must by the nixt returne your brother [1] thankes for his civilitie to me, but indeed at this time I cannot write a word of my owne concerns, you will thank him now for me, I will by the nixt doe it myself. Be confident as farre as my poore indeavors can contribute to your service none can be more heartie and willing then, My Lord, Your most affectionat servant, LAUDERDAILL. [I. 20]

IX. SAME TO SAME.

WHITEHALL, 28 *March* 1661.

MY LORD,—I was very sorie by your last to finde the too just cause of the shortnes of it, and shall long to heare of your daughter's recoverie. His Majestie hath been

[1] Sir Andrew Gilmour, advocate. He died in 1662.

pleased to adde your Lordship to the Councell,[1] albeit he did not thinke fitt to make any other additions. I moved him as to a locality for your pension, but his Majestie does positively resolv not to grant any. Yet he hath written to my Lord Treasaurer his expres pleasure that the Officers of State and yours may be first and punctually payed, so I doubt not but it will be as effectuall. I have no more to adde, but to renew the assurance that in what ever may concern you no one shal be more hearty than, My Lord, Your most affectionat servant, LAUDERDAILL.

[I. 20A]

X. LORDS OF COUNCIL TO SAME.

LONDON, 3 *July* 1661.

MY LORD,—Whereas we are informed that all the masters and professors of the University of St. Andrews are summoned to appear befor your lordship the 4 day of July at the instance of Dr Gleg,[2] upon a claim made by him to the vacant stipends of all the colledges of the said university (though the two colledges are not interested in him), for which he has arreasted all the rents of the three colledges, and seeing Mr James Scharp [3] who because of his attendance here by order of parliament cannot be present and is especially concerned in that matter both as a master of the new colledge and Rector of the University, and that it is equitable before a further proceedour in that business all persons interessed have a full hearing, and respect be shewn to that ancient university, and for preventing a complaint to be made to his Majestie of such usage putt upon that famous seminary, which he will take under his royall protection: Wee have thought fit by these to desire your lordship to signify, that it is our opinion and advice that the arreastment upon the rents of the said

[1] The King's Commission for the new Council is dated 13th February, but the Council did not meet until 13th July.

[2] Dr. Thomas Gleg, in Dundee. In May 1661 Parliament appointed the salary of the third master of the Old College of St. Andrews to be paid to him, for reasons assigned. (*Reg. Privy Council*, Third Series, vol. i. p. 317.)

[3] Afterwards Archbishop of St. Andrews.

three eolledges be taken off, without which they eannot subsist, and that ther be no letters, exeeutorialls nor deereit passed by the Lords of the Session coneerning that business, but that it be wholly referred to the eonsideration of the Commissioners for visitation of that university amongst whom we hear we are nominated, to be eomposed by them after our return, and hearing of parties and due examination of the state of the university aeeording to equity and justiee; this is the desire and expectation of Your lordships humble servants, GLENCAIRNE; ROTHES; LAUDERDAILL. [I. 21]

XI. GIFT OF PENSION TO SIR JOHN GILMOUR.

EDINBURGH, 12 *July* 1661.

OUR SOVERANE LORD with adviee and eonsent of his Estates of parliament ratifies and approves the letter of pension after speeefeit makeing mention that his Majestie having, for the good of his service and for the benefite and advantage of his people in a right and speedie administration of justiee, made choise of Sir Johne Gilmour of Craigmiller to be constant president of the Session, and considering, however this may be for the publiet good that a persone of sueh knoun integritie and sueh eminent abilities should exerce that charge, yet it will be of great loss to himself to be called from any employment of so considerable advantage as he then enjoyed: And his Majestie conceaving himself oblidged in honor and justice that his serviee should not be a prejudiee to any who are willing to engadge in it, And that the said Sir Johne should be provydit in his charge of so great weight and importanee So as the grandor of the plaee may be preserved And the loss he susteanes by this service in some measure adverted to: THERFOR his Majestie granted to the said Sir Johne dureng his lyfe the yearlie pension of fyve hundreth pund sterline to be payed at the termes therin eonteained out of the readiest of his Majestie's rents customes or casualities, as the said letter of pension dated the fyft day of February last and past in his Majestie's

Exchequer at mair lenth beares. THAIRFOR and for the said president his encouragement in the faithfull discharge of the said place and trust, His Majestie wills and with advice forsaid ordaines and commands his Majestie's Thesaurer principall and Thesaurer Deput present and to come to make or causc payment to be made to the said Sir Johne Gilmore of the forsaid pension yeerly and termelie thankfully and readily and als timeously as any fies or pensions due and payable to any of his Majestie's officers of State or to the president of his Hienes privy counsel, and with them to be preferred to any other fie, precept or pension whatsoever: WHERANENT these presents shall bc their warrand, And ordaines this present act to be recordit in his Majestie's book of Exchequer to the effect his Majestie's Thesaurer principall, Thesaurer Deput and his Majestie's collectors and receavers may not pretend ignorance. (Signed) MIDDLETON Com[missioner]; CRAFURD & LINDSAY; A. PRIMROSE *Cls. Reg.*[1]

[C. P. Gilmour, 655]

XII. SIR ROBERT MORAY[2] TO SIR JOHN GILMOUR.

WHITEHALL, 19 *July* 1661.

MY LORD,—Friends of mine magnify extremely your kindness to me: but I am not at all surprised with it. I know you and it both so well that I dare confess the effecte of it [is] great and yet not spend one word to thank you for it. But instead of that I acknowledge myself much concerned in your favours to Sir W. Bruce,[3] yet in place of paying them with thanks I do further recommend him to your kindness. You will find he deserve it when you have read hitherto. You will observe that I understand friendship,

[1] Sir Archibald Primrose of Carrington, appointed Lord Clerk Register 1660; appointed a Lord of Session 1661, under the title of Lord Carrington.

[2] Sir Robert Moray, grandson of Robert Moray of Abercairney, was born 1608 or 1609 and died in 1673. He exercised much influence with Charles II. and Lauderdale in relation to Scottish politics after 1660. He was also largely responsible for the founding of the Royal Society. (See *Life of Sir Robert Moray*, by A. Robertson, Lond., 1922.)

[3] Sir William Bruce, Clerk of the Bills.

large as well as Courtship, and though I did not say it, you will be sure to conclude me to be, My Lord, Your reallest humble servant, R. Moray. [I. 23]

XIII. LAUDERDALE TO GILMOUR.

8 *Nov.* 1661.

My Lord,—The interest you are pleased to allow me in your freindship is so well knowen that it creates you some trouble, for people runne upon me for recommendations. Many doe press the King for recommendatorie letters to the Lords of Session, but those I doe constantly refuse, for albeit I had once a predecessor who made a good deale of money by such letters (for I have knowen 8 in one cause on both sides) yet seeing I meane not to take fees I have not any temtation to contineu that trade. But I know not how to refuse to write to your lordship, who I know will not be byassed even by stronger recommendations. Last week I recommended 3 to you; one of them indeed is my tutor, and that is my taillour, Peter Cunningham, who is also my Lord Rothes tutor so much, that you may please to tell Rothes that even I wold decline him if I had ane action against Peter. And now I am to recommend to you ane old servant of my mother-in-law, Abraham Home. The Earl of Home I heare pursues him for a peice of land which my father-in-law did dispone to his father, My brother did ratifie, and he sayes this Earl of Home receaved from him 5500 merks. When I have told you this I recommend the cause to you no further than there is law and conscience in the case, for I am sure that is your rule, and more shall never be desired by, My Lord, Your most affectionat humble servant, Lauderdaill. [I. 25]

XIV. SIR ARCHIBALD PRIMROSE[1] TO GILMOUR.

London, 19 *Nov.* 1661.

My Lord,—Yesterday I wrote to your Grace be the Lord Carnegy and sent a little booke come out within thir two days. I can add no more Bot that this day I have ressaved

[1] Lord Clerk Register.

the Kings letter to the Exeheeker for paying Our 10000 lib. Bot beeaus that will not be a perfect seeuritie to the Session, I moved that ther might be an order given to the Lord Commissioner for passing an aet of Parliament for this as for the former 10000 lib quhieh his Majesty granted. It will be written this night, and I believe signed onee this weeke, and then I am to take leave of this plaee. The sitting of the Parliament tomorrow will hinder the meeting of the Seots eouneel,[1] Bot it is promist to be onee this weeke, if the Lord Chaneellors [2] indisposition be the gout allow him to be ther. This day Mr Liehton[3] ressaved ordination from a bishop, and is all elear as any bishop in England ; he is to be eonsecrat heer with the other three [4] that came on. There be some whysperings of mutinies in Worcestershyre, Bot no sooner intended than quashed, and the prineipall aetors seased on. My letter yesterday was so ful that I ean say no more now Bot that I am, Your Graees affeetionat servant,
A. Primrose. [I. 27]

XV. (*copy*) SIR JOHN GILMOUR TO LAUDERDALE.

Edinburgh, 28 *Nov.* 1661.

My Lord,—There is eome to my hand by Captaine Johnstoun a petition presented to his Majesty for David Litle against the Earle of Nithisdale, holding forth his tyrannie and oppression by ejeeting the petitioner's father out of his lands, for whieh he hes aetion depending before the Session, and therefore eraving warrant to three of the Session to call the parties and agree them if they ean, and, if no, to report to the Lords that justiee may be done aeeording to law and equitie without delay. There is a delyveranee subseribed under your lordship's hand 25 Oet. 1661,

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[1] A section of the Privy Council of Scotland held its sittings in London, and inspired the policy of the Scottish section. (*Reg. Privy Council*, Third Series, vol. i. p. vi.)

[2] Edward, Earl of Clarendon.

[3] Dr. Roberr Leighton, Bishop of Dunblane, afterwards Archbishop of Glasgow.

[4] James Sharp, Archbishop of St. Andrews ; Andrew Fairfoul, Archbishop of Glasgow ; James Hamilton, Bishop of Galloway.

referring the petition to my self, Colintoun, and Carden, to the end wee may speak with the pairties and endeavour to agree them, and, if wee cannot, to report the case to his Majestie.

My Lord, I did indeed scrouple when I saw the delyverance disconform to and more then is craved by the petition, and could not judge whither it be a mistake of your lordship or that it be done by his Majestie's express command. I resolved not to communicat the thing to my collegues till I should acquaint your lordship with my scruple and opinion of the thing. If the delyverance were conform to the petition, I am clear it were verie just and according to the ordinarie channell and current of justice, bot to trouble his Majestie with cases proper to his ordinare courts, by which noblmen and others may be forced to great trouble and charge, I wish it were seriouslie considdered with the consequenses. I spok to the president of the counsell about it, his judgment and myne were one, that before I should communicat the warrant I should thus wreat to your lordship, and know by your lordship what is his Majestie's mynd in this and such lyk cases. The dwetie lyeing upon me by reason of my place, my affection to his Majestie's service, and respect also to your lordship on whom there lyeth a great weight in such cases, hes caused this trouble from, My Lord, Your lordship's most affectionat humble servant, Jo : Gilmour.

My Lord : When I was at London David Litle consulted his busines with me as being in another capacitie then, which I hope will witnes my judgment to be the more unbyassed in the case. [I. 28]

XVI. EARL OF LAUDERDALE TO GILMOUR.

Whitehall, 3 *December* 1661.

My Lord,—This inclosed petition was the other day presented to his Majestie. The presenter Mr Kay is one who is represented to have done the King good service during his absence, yet his Majestie is so tender of the colledg of Justice that he will not write any Letters or re-

commendations in causes depending before them, but he commanded me to write to your lordship, and to recommend the desire of the petitioner as farr as can stand with justice, for he is a person whom the King values.—I am, My Lord, Your affectionat humble servant, LAUDERDAILL.

[I. 24]

(*Petition.*)

TO THE KINGS MOST EXCELLENT MAJESTIE,—The humble petition of James Browne the elder, and John Kay, merchants, Sheweth: That your petitioners have certaine great summes of money due to them within your Majestie's ancient Kingdom of Scotland, which was payable long since by severall persons, the most part whereof are merchants there; concerning which debts, before sentence can be obteyned in law for payment of the severall summes, there are many intricat accompts to be stated which the debitors altogether refuses to doe; And to sue them before the Judge Ordinary, who most usually in merchant accompts graunts a referrence to certaine merchants to be nominated by the parties for hearing accompts and reckonings to be made betwixt them, and where there are many debitors most commonly there are long delay of tyme before they be compelled in law to condiscend upon a certain number of merchants to be auditors of their accompts, to the great prejudice of the creditors. And seing your petitioners have constantly been faithfull to your sacred Majesty and to your royal father of blessed memory, and have been prejudiced much upon that accompt these tenn yeares past for want of justice, and sadly suffered both in their persons and imployments and likewise for want of their money soe long tyme due, and will be altogether ruined to be delayed till justice take place in the ordinary way of proceeding.—Your petitioners therefore humbly beseech your sacred Majestie to take into your princely consideratioun the premisses and to appoynt any five or six merchants whome your Majestie shall thinke fitting or any three of them to call the parties before them, examine witnesses, peruse their accompts, and agree the parties if they can, and if not

to report to the Lords of Session: And your petitioners shall ever pray, etc.

(Names of six merchants on small slip of paper beside the petition, viz.: Messrs. David Wilkie, Robert Sandilans, George Reid, John Penman, Walter Chesly, Alexr. Sandilans.) [I. 29]

XVII. LAUDERDALE TO GILMOUR.

Whitehall, 28 *Dec.* 1661.

My Lord,—Amongst the many acts of freindship which I have found from your lordship, I doe particularly acknowledge your advertisement concerning David Littles busines; I might have been mistaken in it, but truely it was my great tendernes of the Colledg of Justice of which I have the honor to be a member, that made me procure that reference which I gave. All that either the King or I did intend was, That you three might agree the parties if you could, and if not, to report to the King who I assure you wold not in the least have taken any cognisance of the busines, but onely referred it to the judg ordinary. Now I thoght to have granted the desire of the petition wold have been too much, for it wold have looked like a recommendation of a parties cause, which the King is resolved not to doe. Now if you proceed on the refcrence and doe report, I shall answer the King shall goe no further then to leave it to the Lords; So your lordship shall choose whither I shall grant a new reference, or if you will proceed on this, seing you know my meaning so clearly. So long as I serv the King you shall finde me more carefull then any of my predecessors were in avoyding recommendatoric letters.

The King is much pressed to grant personall protections, which by former registers I finde have been ordinarie in my Lord Sterlin's time. The King does scruple them, and his Majestie hath commanded me to write to your lordship for your advice how farr these protections are legall, and if in any case he may grant them. This I shall intreat your lordship to write to me frecly. Pardon me that I doe not yet answer what you writc concerning docquetting and attesting; You shall not have reason to blame me in that, and

I am sure in all which concerns yow I shall ever be, My Lord, Your lordship's most affectionat humble servant, LAUDERDAILL.

(Addressed) 'For my Lord President of the Colledg of Justice concerning David Litle and protections.'

[I. 30]

XVIII. ANNE, COUNTESS OF LAUDERDALE,[1] TO GILMOUR.

WHITEHALL, 15 *Jan.* 1662.

MY LORD,—My Lord has derected his brother to writ to your Lordship of a busieness concerning me, in infefting me in the Laird of Swinton's [2] estate. My Lord thinks it a great daill of justicc, they having been infeft in my joynturc. I rest very confedent of your Lordship's frcindship and favour in having it done effectuallie for me, by which your Lordship will very much oblige, My Lord, Your affectionat freind and servant, A. LAUDERDAILL.

This is all Swinton's estate I should be infeft in, excep what the old Lady hes out of it. [I. 31]

XIX. LAUDERDALE TO GILMOUR.

WHITEHALL, 25 *Jan.* 1662.

MY LORD,—I have received your Lordship's of the 13 of this month, and shall obey your advise anent Little's petition by the next. His Majesty shall be informed of your lordship's advice to me about protections, and I hope he will be more tender in them. Ther hath been ane application made to his Majesty in relation to a proces depending for reduction of the contract of marrage of the late Countess of Buccleuch. His Majesty asked me what the nature of that proces was, and I could tell nothing of it, never having heard a word of it before. Therefore his Majesty commanded me to write to your Lordship, that from you I might be informed what it is that is desired in the sumons of

[1] This lady was Anne, daughter of Alexander, 1st Earl of Home.

[2] John Swinton of Swinton was prosecuted as a Quaker and his estate forfeited.

reduction, for I neither know what was in the contract nor who proposes the reduction of it. Your lordship needs not apprehend that the King will interpose in matters depending before the Session, for he is as tender in that as your lordship or I could advise him ; But there are some reasons why it is fitt that I should be able to inform his Majesty aright in this business, And therfor I hope your lordship will let me have as soone as you can conveniently ane information of the state of that busines. You need not apprehend my mistaking what you wrote about docquetting, I am confident of your kindnes and am not apt to misunderstand my freinds ; And I hope in it I shall not appear to seek myself much, However I have been used. This is all shall now be said by, Your Lordship's most affectionat servant, LAUDERDAILL. [I. 32]

XX. (*copy*) GILMOUR TO LAUDERDALE.

[1662].

MY LORD,—I have receaved your lordship's of the 25 January, by which I am commandit to give your lordship information what it is that is desyred in the summonds of reduction of the late Countes of Buckleuch her contract of marriage.[1] My Lord, the proces is as yit come no further lenth then that severall dayis have been taken by the Erle of Tarras and his father's advocates to produce the contract, which as yit is not done. The reasone of reduction hes not as yet been hard by ws, nor did I evir sie the contract. I have been informing myself by otheris of the state of the caice, and I suppose verilie it be thus :—By the contract the late countes, with consent of such of her tutouris as did concur, did provyde the erle of Tarras to 4000 lib. sterling per annum, he hir to nothing, only did allow her to dispose upone her owne rents during mariage as shee sould think fitting, whairin he dispensed with his *jus mariti* and resaved of the rents 2000 lib. sterling to himself only to be friely desposed upone by him without burden. The new countes and her tutouris perseu reduction of this

[1] See footnote to Letter VI.

contract, upone these grunds cheifle, as I suppose: (1) That hir sister wes pupill and did contract without consent of a quorum of her tutouris, being fyve, and without consent of Scottistarvet who wes the *sine quo non* living, thair being only four subscryvers; and whairas it may be thoght that Sir Gideon wes the fyft, it is lybellit that Sir Gideon as tutour and administratour to his sone did authorize his sone Tarras, and could not authorize both. Whair pupills and minoris doe contract (tho laufullie authorized) in unequall termis and to the prejudice of thair estate, they and thair aires may crave to be restored *in integrum* aganis such contractis what ever; bot so it is (as is allegit) that the termes of the contract wer most unequall and exorbitant, he having provydit her to nothing of his, *donationes propter nuptias* frome a husband to a wyfe being necessar in all contracts with minores whair thair is a *dos* constitute to the husband; and the contract being reduced, all that the husband can crave is that which the law gives him, viz. the half of the moveables whair thair is no children etc. These I conceave be the maine reasons. What may be answered in law, or what may be the Lords' judgment in the caice, I dar not presume to affirme. This much only, that I am confident they will proceed so as they may answer to his Majestie and to all the world. The trust and place I am in obligeth me in all humilitie to say, that as it is his Majesties just inclinatioun not to interpose in privat processes depending befoir the Session, so in this it may be expected that his Majestie will bc pleased to suffer and allow justice to have its owne cours.

(On back in same hand) 'The copie of my answer to the lettre sent anent the Countes of Buckleugh.'

[I. 53]

XXI. JOHN, 2ND EARL OF TWEEDDALE, TO GILMOUR.

BOTHANS,[1] 4 *Feb.* 1662.

MY LORD,—Thought I have heard much of aplications intendit, Yitt realy I am mor troubled with the humour of

[1] Yester.

the party that maks them then apprehensive of prejudic, beeing to soe just a Princ and who is soe desirous of a trew representatione of affairs and soe unwilling to interpose. If the Earle of Rothes wold pleas to suffer himself be ingadged to what I am perswaded he knows to be the honnour and interest of that family, he can easily mak it apear to be the adwantadge of the intendit match, the lasting good of the family, And the satisfactione of all hes relatione to it, that the ordinary cours of justic tak plac. And pray you what interest can I pretend in that family that is not at present his ? Even the honnour and adwantadge of it ; And, for his ouen profit (soe far as our interest reacheth) it shal be as your lordship will dewise how to satisfy him for acting soe nobel a part, And not only soe bot could his sister be brought of to lay aside this implacable dispositione, ther is nothing that is just in our pour that shal at his sight be denyed hir. It may be fitt also that the tuttors mak aplicatione and send a stat of the cas to my Lord Secretary, And I suppose it will be only for me to gward the prejudic personal reflections may produc. Be pleased to shoe the Earle of Rothes I am his servant, and that I hope the frindship mead by your interventione shal prove like yours to us both, which I belive you know is uncheangable betwixt you and, My Lord, Your lordship's most affectionat humble servant, TWEEDDALE.[1] [I. 33]

XXII. GEORGE, DUKE OF ALBEMARLE (GENERAL MONCK), TO GILMOUR.

COCKPITT, 21 *Feb.* 1662.

MY LORD,—I understanding that comissary Nathaniell Eldred [2] is prosecuted before your Lordshippes uppon a Bond of 1032 lib. 6s. 3d. and the tenour of the Bond being that hee shall bee liable to the payment of the mony to the then pretended authority, or finde other securitie ; and

[1] The object of this letter was to try to gain the adherence of Sir John Gilmour to the writer's scheme to marry the young Countess of Buccleuch to his (Tweeddale's) son.

[2] Merchant in Edinburgh, and Commissary at Leith.

being informed that hee hath since nott only given other securitie by land, but paid a considerable parte of the Debt, as hee can make appeare by severall receipts : I desire yor Lordshippes will please to suspend any proceedinges against him till such time as hee hath accounted with the Auditor Generall heere, for which purpose I have written to him to come uppe hither with all speede : which is all at present from Your Lordshippes very humble servant, ALBEMARLE.

[I. 34]

XXIII. SIR ROBERT MORAY TO GILMOUR.

17 *May* 1662.

MY LORD,—Any body but I would have excused themselves from writing by a friend, alleadging the needlessness of it for many fine reasons. But I profess I should not have writ now unless this friend had been the bearer, nor unless he had extorted it from me. For your friendship and mine need not ordinary fuell to entertain their vigor, yet since my hand is at the pen I want not somewhat to say. I must tell you that hitherto I have with no small satisfaction considered you as a person exquisitely skilled in law, and a great master of reason. But now I cannot express with how excessive joy I receive the generall report is published here of your walking according to the rules of Conscience and Honestie. But in good earnest you must not smile at this, as I imagine you will not be unready to do ; For I do not wonder that every body did not know you so soon, and so well as, My Lord, Your reallest servant, R. MORAY.

[I. 36]

XXIV. SAME TO SAME.

HIGHGAT, 11 *June* 1662.

MY LORD,—You do me great justice in making a full account of all the good offices my friendship and industry can afford you ; but let me tell you, you shall hardly feel any effects of them as long as you give me none other task

than the minding My Lord Lauderdal of your concernments. For before I received your letter of 31 May he had got the King's hand to your business, and tells me he will send it you this poste or the next. Devise therefore new employments, if you would have authentick proofes of the frendshipe of, My Lord, Your reallest servant, R. Moray.

[I. 37]

XXV. LAUDERDALE TO GILMOUR.

Whitehall, 28 *June* 1662.

My Lord,—Thogh I am as confident of your friendship as I can be of any, yet this late expression of your favor in the busenes of Leith may justly at least challenge a renewed testimonie of my thankfullnes. The sharp opposition did a little surprize me, for I did not expect it from those hands, for without vanity I may say I have deserved better of the good toune, nor so ill of my Lord provest, and they might have had a better opinion of me if they had pleasd. Alwayes it is not the first time I have failed of my expectation of mens' carrages to me, and if I live long it will not be the last ; but I will say no more till the particulars what they will say come to me, and in the meane time I will think enough. The King is gratious and just, and to me I may say he is very gratious (what ever your opinions be in Scotland), and therfor I doe not much apprehend as to that particular. Now give me leave to recomend to your Lordship a good frend of mine, he is a gentleman of my name, Pittrichie,[1] and one I have great kindenes for. His busenes if he informe me right seems to be just, it is for his sister's portion who dyed childles within the yeer ; But I know your Lordship better than to desire any favor to him further than may agree with law and justice. This justice from you I will boldly challenge, that you wold beleev me to be with great sincerity, Your most affectionat servant, Lauderdaill.

[I. 38]

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[1] Sir Richard Maitland of Pittrichie.

XXVI. KING CHARLES II. TO LORDS OF SESSION.

HAMPTON COURT, 14 *July* 1662.

Richt trustie and weelbeloved cousine and councellor, rycht trustie and weelbeloved councellours, and trustie and weelbeloved we greet you weell. We receavcd from our advocat a draught of a revocatioun [1] to be signed by us, and to be transmitted to our parliament. We doe remember that when we wes last in Scotland, we did pass a revocatioun in the pretendit parliament at Stirling; But seing that is now lost, we are willing to pass another, and have thairfore signed that which wes sent to us, with some alteratiounes with which the Lord Tarbett, this bearer, will acquaint you. Yet becaus we look upoun the Senators of our colledge of Justice as the fitest persones to give us advice in a mater of such importance, And who can best tak notice both of our interest and of the interest of our subjects, We have thought fitt to inclose our revocatioun; And we doe requyre you to give us your full and frie advyce, both as to the mater and forme of our revocatioun, And haist it to us with all the speed you can; for although we have signed this, yet we nather obleidge you to the mater nor forme. And so expecting your speedie answer, We bid you heartily fairweell. Given at our honour of Hamptoun Court the 14 of July 1662, and of our reign the 14 yeir: *Sic Subscribitur*, By his Majestie's command, LAUDERDAILL.

(On the back) 'Copie of his Majesties Lettre to the Lord Chancellar, the President of the Sessioun and remanent Senatouris thairof, 14 July 1662, concerning the revocatioun.' [I. 39]

XXVII. (*copy*) GILMOUR TO LAUDERDALE.

EDINBURGH, 30 *Aug.* 1662.

MY LORD,—According to his Majestie's command to the Lords of Session, expressed in his Hienes letter of the 14 July, they did severall tymes meitt with my Lord

[1] Printed in *Acts of Parliaments of Scotland*, vii. 402.

Commissioner, the Lord chancellor, erle of Rothes, and lord advocat, for advyse to his Majestie in the mater of his revocation sent here to them signed under his Majestie's hand; and efter full debate and serious consideratioun severall tymes taken of the thing of so much importance, It wes at lenth unanimouslie resolved that thair sould be ane explanatorie declaration sett doun declaring the said revocation to extend to the principalitie, that the revocatorie claus anent deids done by his royall father sould be cleared for satisfaction of the people, and extendit only to such as wer maid aganis the law and actis of parliament of force befoir the yeir 1637, According to the true meaning thairof acknowledgit by his Majestie's advocat; and that this generall revocatioun salbe but prejudice to his Majestie to mak a more speciall on herefter if his Majestie sall thinke fitting. This being resolved on, and the ordinar lords haveing mett this morning to sett the same in forme, the only doubt remaind whither this explanatory declaratioun sould be sett doun in a new draught to be signed by his Majestie, or that this already signed sould be past in parliament as it stands, with the declaratioun subjoyned; and they left to his Majestie's commissioner which of these two weyis he wold choyse. And severall of the lords, with myself, being appoynted to goe to his grace and represent that to him, wee did accordinglie, who did to our owne sense verie wysely declare that since thair wes nothing in this explanatioun derogetory but explanatorie, and somewhat more fully clearing the meaning of the revocatioune for satisfaction of the people, considering also that the tyme of the parliament's sitting is to be short, and that it is fitt the revocatioun sould pas with the act of indemnitie, It wes thairfor thoght fitt that this same revocatioun sould pas with the declaration subjoyned thairto. I have sent to your lordship a copie of two paperis, both of this dayis date, leaving the choyse of any of the wayis to his grace, and ordering me to acquaint your lordship with the resolutioun and to desyre your lordship to represent the same to his Majestie; the other contening the advys it self. I have no more to ad bot to tell your lordship that with all faith-

fulnes and sincerity to his Majestie's service We have obeyed his command, and I sall desyre no happines to my self longer then I sall wish his service prosperous. Thus I conclude, My Lord, Your lordship's most affectionat humble servant, Jo: GILMOUR.

I have sent your lordship back the copie of the revocation your lordship sent me, fearing you have none other by you. [I. 41]

XXVIII. KING CHARLES II. TO GILMOUR.

WHITEHALL, 27 *Sep.* 1662.

CHARLES R.—Right trustie and welbeloved counseller, we greet you well: The experience we have of your abilities and good affections hath moved us to thinke fitt to have your advice in some things which concern our service in that our Kingdome. And therfor we doe require you to come hither as speedily as conveniently you can, To the end you may be returned to the exercise of your place nixt Session, where we know your presence is very necessarie: And so we bid you farewell. Given at our court at Whitehall the 27 day of September 1662, and of our reign the 14th yeer, By his Majestie's command, LAUDERDAILL.

To the Pres: of the Session. [I. 42]

XXIX. LAUDERDALE TO GILMOUR.

WHITEHALL, 27 *Sep.* 1662.

MY LORD,—Receave heir inclosed his Majestie's command for your comming hither. What you may heare I know not (for lyes are frequent notwithstanding the good acts against leesing makers), but I am sure the King hath a very good opinion of you and kindenes for you, and in some matters of consequence will rely much on your advice. Make all the hast you can with conveniencie, and I trust you shall not repent your journey, and shall be dispatched very speedily to your charge. Expect no thankes from me for all your kindenes, nor any thing of busines or comple-

ment; Onely I will say I am not yet knokt on the head nor feld with a billet; I am not yet incapable (God bless the King), but I am very sure I am, Your lordship's most affectionat servant, LAUDERDAILL.

(Noted on back) '27 Septr. 1662 for my going to court.'

[I. 43]

XXX. JOHN, 1ST EARL OF MIDDLETON,[1] TO GILMOUR.

DUMBARTON, 4 *Oct.* 1662.

MY LORD,—This afternoone about one of the clock I receaved yours. I doe acknowledge your curtesie in aquanting me with his Majestie's commands in order to your goeing for court. I wish you a verie good jornie and am, My Lord, Your humble servant, MIDDLETON.

[I.44]

XXXI. WILLIAM, 8TH EARL OF GLENCAIRN,[2] TO GILMOUR.

DUMBARTON, 5 *Oct.* [1662].

MY LORD,—I wish you a guid voyage, tho I ame somewhat troubled that your hast could not permitt you to waite upon my Lord Commissioner, which it is lyk you will afterward considder might have bene usefull; bot since your lordship is on your voyage I sall not retard you by my letter, bot only say that I ame, Your lordship's servant, GLENCAIRNE. [I. 45]

XXXII. WILLIAM, EARL OF ROXBURGHE, TO GILMOUR.

BROXMOUTH, 5 *Oct.* 1662.

MY DEAR LORD,—I am very glaide your lordship is going to court. I pray God your journey may answer your owne hearts desyre, and that your lordship may therafter speedily returne to administer justice to us who hath so long waunted it. My Lord, this kind rememberaunce I shall reckone it amongst the former many testimonyes of your

[1] King's Commissioner to Parliament, and a Privy Councillor. The Council sat at Glasgow on 1st October.

[2] Lord High Chancellor of Scotland.

lordship's favours I have received, and can only say whouever incapacitate I am to deserve thame yet I schall indeavour to my utmost pouer to acknowledge thame with that gratitude and thankfullnes can ly in my weake pouer. Wherin I am schort I hope ther schall be thos to represent this poor family who will not forgett the deuty they ow you. I am sorry your lordship takes your journey thorow the moores; this way hade been easier, and I could have fited your lordship with Horses to Yorke better nor you can the way you intend, as it apears to me. Bot if your lordship do go be Kelso, if you vill be pleased to call for your old servaunte Saunders Don, he will lett you want nothing that Schyr can afforde; vhich he knowes will be very acceptable service to me.

My dear Lord, it wold be indeed great presumption in me to offer your lordship a weake advyse; I shall only pray God preserve you from snares and direct you in the vay most pleasing to himself. Wherin I am concerned particularly, thos things ar all better knowne to your lordship then my self, and as occasione offers I know your lordship will direct my Lady Cassillis or my Lord Ballandine therine, and so continue your wounted favour to him who hopes to make apear with what sincerity and deuty I am tyed, My Lord, Your lordship's most faithfull affectionate humble servaunte, ROXBURGHE.

My vyffe presents her humble service to your lordship, and is very sorry schee did not see your lordship in the by going. All of us visches your lordship ane happy contented jeourney and saife returne. [I. 46]

XXXIII. SAME TO SAME.

BROXMOUTH, 6 *Oct.* 1662.

MY DEAR LORD,—I am sorry I hade not the honour to have seen your lordship hear, and that you have mised the occasione to have mett with my Lord Tarbotte [1] who came from court on Thursday last. He dyned with me this day, and is going on to the west with ane positive ordour from

[1] Sir George Mackenzie of Tarbat, Lord of Session and Privy Councillor.

his Majestie to hinder my Lord Commissioner to go to court, Bot that he should stay hear about his Majesties spetiall affayres. I shewe my Lord Tarbot of your lordship's being upon your jeourney; he vas pationatly sorry he did not meet vith your lordship, and desyred me to schow you if you went to court that you wold not beleev every thing vas sayde, because bissines vas othervayes ther then som people vold coulour it to you. He did schoue the King vhat great losse ther might be by your lordship's absence. His Majestie vas pleased to command him to schoue that your lordship might stay if you thought fiting. I vill assure your lordship by his realatione, bissines as to all honest men goes weall at court; a little tym vill schow the reall effectes of it. My dear Lord, as I sayd last night the desir I have your lordship schude be saved from snares, and the inevitable inconveniences may follow therupone, hath made me send this bearer vith the small acount quhat affayres is com to my knowlegde, and leaves the rest to your owne mor full reache. I shall never be waunting in my wake pouer and statione to approve myself in that vhich I really am, My Lord, Your lordship's most faithfull affectionate humble servaunt, ROXBURGHE. [I. 47]

XXXIV. LAUDERDALE TO GILMOUR.

WHITEHALL, 6 *Dec.* [1662].

MY LORD,—Thogh no bodie wisht yowr lordship a better journey then I did, nor should be glader to heare of your safe arrivall, yet you will not wonder that I have not written sooner when you remember that neither you nor I care much for complements, and indeed our freindship is above it. This week I receavd a letter from Cadell, another from my Lord Duffus, but I have done nothing in it, because Will Sharp [1] wrote to my brother that upon your arrivall I wold get a more particular information of the busines, which I confess I doe not well understand, but I will expect your advice upon the matter. One thing I doe

[1] Mr. William Sharp, Keeper of the Signet.

remember, that when I gott the gift of his ward I did expect it wold have yielded a better composition.

There is another busines fallen out that troubles me more, which is that ugly action of my unhappie kinsman Torsons,[1] which he did as wisely confess judicially. Alwayes I should be sorie that he should die on a skaffold for so foolish ane action, which as it was represented to me could hurt no bodie. I acquainted his Majestie with it, but wold not press him much for a pardon, remembring what lately past in the case of Kennedy. But I will take it kindely if this busines can be so managed that he doe not die, or at least that his execution be suspended till the King be advertised, which may be so represcnted (If I be not misinformed) as that the pardon will not be unfitt for the King to give ; But I will leave this to your care, and say no more but that I am most sincerely, Your lordship's faithfull servant, LAUDERDAILL. [I. 48]

XXXV. SAME TO SAME.

[6 *Dec.* 1662.]

MY DEARE LORD,—I had your last from my brother. I beg your pardon that I troubled yow about that busines of Mr John, and I am most glade you did nothing in it ; For the worke is done with less noyse. In the other paper which I sent you, I doe not desire any advice, I onely in freindship owe you ane account of all my actions, and I most heartily thanke you for your kinde acceptance of my freedome. You doe still more and more oblige me, but I cannot complement, and will not with you. I am in great hast, and can onely tell you without complemcnt I am most heartly, Yours.

(Addressed) 'For Your self.' [I. 50]

XXXVI. CHARLES MAITLAND[2] TO GILMOUR.

WHITEHALL, 6 *Dec.* 1662.

MY LORD,—The misfortoune that hcs befalne that unhapy gentilman Tarsonce dead surpreisc ws hier. My

[1] James Pringle of Torsonce.

[2] Lord Lauderdale's brother and successor.

brothor hath vroten so fully about it I ned say the les, and I shall only ad that a favourable representation off the mater from your hands will be verie acceptable to his frends hier. The testimone off your lordship's former frendship maks ws expect no lesse at your hands in what consernes me (in justic); in my absence I doubt not your lordship's protection and assistance. I am a plaine man and I love to be so caled, and thairfor ye vill expect no complements from me, and I shall only say that in sinseritie I resolve to be, Your lordship's most humble servant, CH: MAITLAND.

[I. 49]

XXXVII. DAVID STEWART TO GEORGE STEWART OF ADHAM, ADVOCATE, EDINBURGH.

ELGIN, 18 *Dec.* 1662.

MUCH HONORED COUSEN,—I came heir yesterday from Castle Stewart, where I sie a letter from your hands to the E[arl] of Murray, with another to his lordship from the Lord President of Session, holding furth his Majesties desyres to know and try whither or not any of K[ing] James the 5th his naturall sones were legittimat by a gift of legittimation under the quarter seall, because of his Majesties resolution to follow the like practise in favors of his naturall sone James, now Duke of Munmoth. In answer quhairto the E[arl] of Murray hes comanded to give you nottice, that for the tyme no such gift of legittimation does ocurr to his memory; but in obedience to his Majesties comands his lordship is to make present and dilligent search through all wreats and charters in his posession: Meane tyme that the Lord President be nott offended for not returning of ane answer, because he only receaved his letter but yesterday, though it was dated in November. If this vas the Laird of Calder's fault he was to blame; But I hope your intimation and interposell will satisfie the trespasc.

I can give you no other newes from thire fields, but of death, and marriadge; and in the first place it hes pleased God to remove the Lady Grant from out of the miseries of this lyfe. Here disease vas a kynd of lethargie, as being

most incident to all those descended of that family; this afternoon she expyred, and is to be interred in the Chanonry church of Elgin. The Lady Dumphaill, Doctor James Gordoun, apeerant Bishop of Orkney, and my brothers only sone are all lately dead; and for marriadge, the much attended and ambitious intended heretrix of Pedindreich hes condescended to try a broken Buchan Laird for a yeare. The E[arl] of Murray is making all possible haste for the satisfaction of his creditors, and you may rest assured that *in primo loco* I will mynd your relief with S. M.; But I admire you should so much blame me for your engadgment therein, for since it is a thing done, and no hazard in repayment, your wisedome should lett it apeare that it proceeded more from kyndness then any other inducement. My humble service presentcd to your worthy bedfellow, and my ant, when your leisure may serve to mynd the interest of, Your most affectionatt cousen and scrvant, DAVID STEWART. [I. 51]

XXXVIII. (*copy*) GILMOUR TO LAUDERDALE.[1]

[1662.]

MY LORD,—Your lordship's commands by your last I have obeyed faithfully, in relation to that act and the lord ch[ancellor ?]; and as to the Erle of Murray, when those papers sall come to my hand, if they doe come, I sall punetually follow your advyse, and I conceivc it wer fitt your lordship sould wryte a lyne of advyse to him about thame, that he may scnd them to me, for I have causd advertise him what your lordship's desyre is. [I. 52]

XXXIX. MARGARET LESLIE[2] TO SIR JOHN GILMOUR.

HENDRETA STREET, 16 *Jan.* 1663.

MY LORD,—I reseved yours, for which I render you many thanks, and does aknoledg your favor therin, as my doughter also doth and presents hir service to your lordship. I most now desyr another obligasion from you, that

[1] The placing of this letter is uncertain.

[2] See Letter VI.

ye may be plesed to wret a lyn to his Majesty nixt post shoing your satisfaction in a peper which Sir Tamis Walis [1] will let you have. It is a lisens for the duk of Monmouth to brok [*i.e.* enjoy] honour and dignitie and carie ofece without the naiming of a legitemasion. I kno ye will pus the draght of it, and I desyr ye may signifie the same to his Majesty, to whom I gave it to keep till his Majesty heer from you. The duk does return his service to you; he was present when I reseved yours, and I maid him reed it. My Lord is your servant. I am, Sir, Your very humble servant, MARGARET LESLIE. [I. 54]

XL. LAUDERDALE TO GILMOUR.

23 *Jan.* 1663.

MY LORD,—The inclosed concerns the King commands; this is to yourself. And first let me assure you I shall be very carefull of the priviledges of the Colledg of Justice, of which I have the honor to be a member, and I may say as kindely a member as any in Scotland, for I am the fourth of my family from father to sone without interruption. Doubt not therfor I shall advert to what you recommend, that the King doe nothing to your prejudice. According to your command I have written to my Lord Bellenden. And as concerning what I write concerning the advocat, doe not take notice of it to him, and if you be unwilling to meddle in it, advise me who shalbe employed, for it shall not sleep; for I have in my custodie Sandiland's letter, and the King hath scen it and will have it examined throughly. You will sce the King's commands concerning the fines; I shall not makc reflcxions nor conjectures what it may produce, but I shall be glade to have your privat opinion, if it wcre possible to raise by consent of parliament a good summe for the gratifying the most deserving sufferers, in case the King should gratiously pardon the fines. Say nothing of this to any bodic, but tell me your privat opinion. Bc plcased to let me know particularly if the acts for billeting, the act for fines, or the act of Indemnity, be proclaimed

[1] Sir Thomas Wallace of Craigie, advocate.

or registrat or printed, or when any of them was proclaimed or printed or registrat. This to myself, and at this time you shall have no more, but that I am very confident all will goe well. I need not recommend the carefull of [*sic*] obedience of the King's letter of fines to you. Adieu.

[I. 55]

XLI. SAME TO SAME.

23 *Jan.* 1663, *late.*

My Lord,—Yesterday I acquainted his Majestie with your letters, and the account you give of the papers relating to the Duke of Munmouth, who is very well pleased with what you write and is resolved to doe nothing in the business. I have had for some weeks a command from his Majestie to acquaint you that althogh he will not recommend busines depending before the Session by letters, yet he is sorie he did [not] tell you himself how great a value he hath for my Lady Carnegie, and that he did not particularly recommend her concerns to you as much as stands with justice. This he commanded me to write to you in his name. You know very well the great kindenes his Majestie hath for the memorie of her most noble father; and I shall intreat your lordship to acquaint that ladie of my obeying the King's command. His Majestie hath written two letters by this express, the one concerning the fines, wherin you will see his Majestie's pleasure, on which I will make no reflexions; the other is concerning the Lubeck ship, in which I must tell you his Majestie hath receaved ane ugly information. I was much ashamed to see a forreign embassador have such a storie to tell of ane officer of state in Scotland. It is this in short, that my Lord Advocat [1] offered to one Alexander Sandilands a merchant that the ship should be restored provided the Master wold give him one half free of all charges. This his Majestie commanded me to try out the trueth of, and I doe address myself to your lordship; be pleased to send for that Sandilands and

[1] Sir John Fletcher of New Cranston. He resigned office on 14th September 1664. See also Letters XL, LXIX, LXXIV, LXXV.

let him tell you the treuth, which I am sure does remaine safe under his ownc hand, so it concerns him to make it good ; and let me know what can be madc good of this bribe demanded. Be confident it will not sleep, and I could wish the treuth could cleirly be knouen. I am, My Lord, Your owne affectionat scrvant, LAUDERDAILL.

[I. 56]

XLII. JOHN, 7TH EARL OF ROTHES,[1] TO GILMOUR.

LONDON, 24 *Jan.* 1663.

MY LORD,—Iff ther were any occurances heir worthie of your trouble, I would not have failled in giveinge your lordship ane accompt ; but all things are heir as ye lefft them, and the takeinge away off that difference betwixt our two great persons is (as yet) not publickly proceeded in. Ther is on thing I most humbly beeg off your lordship, that seeing his Majestie moves wery slowly in my Bussines (tho his expressions be aboundantly full of kindnes) anent the ward, and the Countes[2] age of twelvffe yeirs is draweing neir a period, I disire to know your opinion (that in cais ther be nothing done in it beffore mariege or her passeing the 12th of Feberuary next, at which tyme the Countes will be twelff yeirs old) what prejwdice may occure as to my interest, that so I may by your adwyce prevent any disadwantage that may hapine through my neglect. And seeinge the tyme is draweing neir, I hoop your lordship will as soone as possibill allow this favor upon, My Lord, Your humble servantt, ROTHES.

[I. 57]

XLIII. LAUDERDALE TO GILMOUR.

WHITEHALL, 27 *Jan.* 1663.

MY LORD,—Since I wrote my last by thc cxprcsse pacquet, which I sent away on Fryday, I have received further commands from his Majestic in ordcr to the Dukc of

[1] President of Council and later in the year appointed Lord High Treasurer and King's Commissioner.

[2] Countess of Buccleuch. See Letters LI, LII.

Monmouth's bussiness ; And it is to signify to your lordship, That it is his Royall pleasure that your lordship together with the Lord Bedlay [1] and Staires,[2] as three of his Senators of his Colledge of Justice, with his Majestie's advocatt,[3] Sir John Nisbitt,[4] Sir Peter Wedderburne,[5] and Sir Thomas Wallace,[6] do mette together ; And you seaven are to consider what is necessary for the Duke of Monmouthe's seeurity, in order to his being able to make a will, and enjoy Peerage ; As also, what may be free from all exception : And after consideration of the whole matter both in law and according to former presidents, if any be, That you give his Majestie your opinion under your hands ; And if you finde it necessary that any paper be to be signed, for these ends, by his Majestie, That you draw it such as may be safe for the Duke of Monmouth to the said purposes, and free from exception : And send it up signed by you all, or the major part of you. This your lordship will be pleased to communicat to the other six, as speedily as you can, as his Majestie's pleasure, signifyed by, My Lord, Your lordship's most humble servant, LAUDERDAILL.

(Addressed) 'For his Majestie's service.' [I. 58]

XLIV. SAME TO SAME.

WHITEHALL, 27 *Jan.* 1663.

MY LORD,—This other letter is by his Majestie's expres command, red and approven by him, yet I must needs accompany it with one to your self ; and first I must tell you the grounds and reasons of it. Although Sir Thomas Wallace told you that he knew nothing of the E[arl] of Murraye's legittimation, and that he had sent no paper to London, yet I saw his owne letter acknowledging that he

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[1] James Roberton of Bedlay.

[2] Sir James Dalrymple of Stair.

[3] Sir John Fletcher of New Cranston.

[4] Sir John Nisbet of Dirleton. He was appointed Lord Advocate on 14th October 1664.

[5] Sir Peter Wedderburn of Gosford, Clerk of Privy Council.

[6] Sir Thomas Wallace of Craigie.

had left the paper which I sent you last, and pressing it very much. Alwayes upon the sollicitation of the Countes of Weems[1] his Majestie spoke to me on Sunday at lenth in the busines. He was fully satisfyed that the last paper was much worse then the former at which some exception was taken, and proposed that I wold draw a paper giving the Duke of Monmouth power to make a will and to enjoy the Dignity of a peer, But I shund it and profest that I durst not trust my owne skill in a busines of that importance. The conclusion was this which you will see in the other letter, which the King for some reason thoght to be signifyed by me as his pleasure then to be under his owne hand. My advice to your lordship is that you call together the 6 persons mentiond in the other letter and shew the letter to them as his Majestie's pleasure; That you consider whither any paper be necessarie to the Duke of Munmouth for inabling him to be a peer and to make a will, and if you finde it necessarie then you must draw the paper and send it to me, under your hands. Your lordship will be pleasd to write to me the reasons you goe upon, and if there be any that doe not concurr, shew me their reasons. Remember alwayes the ticklish point that gave the exception, and be carefull to secure the Duke of Monmouth in these particulars the King mentions, with ane ey alwayes to the ticklish exception. Pardon my freedome in giving you my advice, I wold forbeare it if I were not so much your freind. Of our great busines I will say nothing; It is comming to the upshot, but I am tyed up. Few dayes will inable me I hope to tell you news; God Almighty bless my most gratious master. You know I am, Yours, L.

[I. 59]

XLV. (*copy*) GILMOUR TO LAUDERDALE.

Feb. 1663.

My Lord,—Since my comming heir which wes on Monday the first of December I have been (in obedience to his Majestie's command) useing all meanis possible (with as

[1] See footnote to Letter VI.

much caution as I could) to informe my self about that of legittimationes etc. And indeed nather by register or any other record nor by any persone whatsomevir can I find that any of his Majestie's predecessors did legittimat any of thair naturall sones. I did enquyre particularly about K[ing] J[ames] the fyftis sones, bot can find no evidence for any of thame. Last week I did wryte to the Erle of Murray, and doe expect his answer as spcedilie as may be considering the distance and badnes of the seasone. Your lordship may remember what your judgment to the Countes of Weymis wes in that particular, that the thing wes inconvenient and verie unnecessar, being that legittimationes by our law give no moir right to the persones legitimat bot *facultatem testandi* which with us being restricted *ad mobilia* is not considerable ; and if the naturall sone have any children of his owne body, or he dispone lawfullie upon his estate heretable and moveable *per actum*, which lawyrs call *inter vivos*, the children by our law doc legally succeid, and such dispositiones ar valide to singular successors without a legittimation ~~and all rightis of bastardie nor doeth any thing fall to the King ratione bastardie bot whair thair is no air of the body and no legall dispocition maid by the bastard in his owne tyme~~.[1] And as to the capacitating of any naturall sone to enjoy honours, offices, &c., I know no necessitie of a legittimation to that purpose, Bot *eo ipso* that his Majestie is pleased to bestow upone a naturall sone any honour or office when evir he maks him capable of it. And becaus it wes told us that *de facto* legittimationes in the lyk caice have been granted, namely that of the Erle of Murray's, which now I think will not be maid good, and that they wer confident his Majestie wold condiscend to it being drawne so as to prejudge no other interest, thairfoir we wer cairfull to sie it drawne so warrilie, that as it is conceaved his Majestie nor none his relations could be prejudged. Yit seeing it cannot be denyed bot that the name of ligittimation may sound other weyis to many then what the paper

[1] Deletions as in original.

speakis, His Majestie may be pleased to considerable [*sic*] whither a thing so unnecessar may be forborne for the verie name's sake. I sall forthwith give your lordship notice of the erle of Murrayis answer when it cometh, and hopeing that your lordship will acquent his Majestie with this my humble returne to his Majestie's command, I sall only ad that I am in all sincerite, His Majestie's humble and faithfull subject and servand, Jo: Gilmour.

(On back) 'Febru. 1663, concerning Monmouth.'

[I. 60]

XLVI. NOTES BY SIR JOHN GILMOUR ON THE DUKE OF MONMOUTH'S MARRIAGE.

5 Feb. 1663.

Questio 1: Whither it be necessar or convenient and fric of exceptione that ther be a wryt past be his Majestie to the Duke of Monmouth, by which his Grace may be impowered to injoy in generall honours, titles, dignities, offices, at least to injoye peerage.

Answer: (1) To grant a wryt in the generall termes exprest in the first pairt of the questione, We think it nather necessar, convenient, nor frie of exceptione or misconstructione; And whenever it may pleas his Majestie to bestow upoun the Duke of Monmouth any particular title, honor, dignitie or office in Scotland, It may be granted as is usuall in such grantes, with powar to his Grace to injoye the same with as much friedome and priviledge as is competent to any subject in Scotland having the lyk honour, title, dignitie, or office; nather doe we know nor can we learne that ther wes evir any such generall grant made to the naturall sones of King J[ames] 5. viz. to the erles of Murray, Orknay, Bothwell nor to any other naturall sones of the Kinges of Scotland.

(2) To grant a wreit for injoycing peerage, We conceave it to no purpose at all and unhard of in this natione. To injoye peirage is not understood by ws otherwayes then to injoye nobilitie. Now if his Majestie may be pleased by

ane ordinarie patent to creat the Duke a nobleman of whatsoever qualitie in Scotland, He creates him *eo ipso* a peer to all intentes and purposes, and makes him capable to injoy nobilitie or peerage and vote in parliament. It is to be observed that the word peer or peerage is not at all used in patentes with ws; *pares curie* we have and that is in reference to persones of all dcgries.

Questio 2: Whither it be necessar or fitting and frie of exceptione or misconstructione that his Majestie pass a wreit to the Dukes grace enableing him to make a will.

Answer: (1) Negativc; first because a letter will in Scotland importeth no more bot *facultatem testandi super mobilia*, which may be done by minor or major. Now to grant such a wreit be his Majestie to his naturall sone it may be constructed a materiall legitimatione, being that in this kingdome a legitimatione (whatevir the *stilus* carie) it operates no more bot *potestatem testandi*, and which power tho not *per modum ultime voluntatis* yet *per modum dispositionis inter vivos* any naturall sone may exerce efter majoritie without any wryt from his Majestie.

(2) Such a wreit wes never made to our knowledge to any subject whatsoever, except in the caice of a formall legittimatioun, a thing ordinar as to other subjectes Bot never to the Kinges naturall sone to our knowledge; And we conceave that as in this caice it is unnecessar to introduce, so it is *tutius* from exceptione and misconstructione to forbear novalties and new formes of wreites unknowen to our Chancellarie.

(3) The law of this natione betwixt husband and wyfe *in mobilibus* (If it be not otherwayes provydit be contract of marriage) Is to be observed ther is a communione of moveables betwixt them, So that the surviver if ther be no children hes a half; if children, the husband hes a thrid, the wyfe another, and the children a thrid thrid. If the husband be the survivar, the wyfes executors and narrest of kyne falles her pairt; And if the wyffe be the surviver, the husbandes executors and narrest of kyne falles his; And if aither of them be *ex thoro illegitimo*, dieing without children laufullie begotten of ther bodie and

without laufull dispositione made in ther tyme, the King falles ther pairt, who may dispose thereof as he pleaseth.

(On the back) 'Advyse anent the Duke of Monmouth by his Majestie's commands. 5 Feb. 1663.'

[I. 61]

XLVII. NOTES RELATIVE TO SAME.

Quaestio 1: Whither it be necessar or convenient and free of all exception that his Majestie pas a grant to the Duke of Monmouth whair he may [be] empowered to enjoy in generall honours, titles, dignities, offices, at least that he may enjoy peerage.

Answer: We conceave it not necessar nor convenient, nor free of all exception, that his Majestie sould pas any such grant to enjoy peerage; for if his Majestie sall be pleased to create the Duke of Monmouth a duke, marqueis, erle or lord, or all of thame in Scotland by the creation and patent without any other wreitt, his Majestie empowereth him to enjoy the same with all prehemenencies, dignities, voyce of parliament, &c. This we conceave includeth peerage, and if any thing els fallis under that notion it may be articulatlie expressit in the patent 'as any other duke, marqueis, &c. in Scotland may.' As altogidder unnecessar so we conceave it inconvenient and obnoxius to exception to grant a writt inabling him to enjoy peerage, dignities, titles, offices, thair never having been any such wreatt to our knowledge granted to any naturall sone of the Kingis of Scotland; besydes that those generalities may be subject to misconstruction.

Quaestio 2: Whither it be necessar or fitting and free of exception that his Majestie pas a grant to the Duke of Monmouth enabling him to mak a will to dispose upone his moveables.

Answer: It is not necessar, fitting, nor free of all exception or misconstruction: (1) Becaus a letter will signifieth nothing in Scotland bot *facultatem disponendi mobilia per ultimam voluntatem* which may be done even by a minor past pupillaritie, as weill [as] by a major. Now that the Duke of Monmouth sould have a grant to this purpose for

this power in minoritie, we conceave it nather necessar, fitting nor free of exception or misconstruction, nor in majoritie; Becaus such a grant is a materiall legittimation, being that a legittimation [*sic*] (whatever *stilus curiæ* be in it) by our law it operatis no more bot *potestatem testandi super mobilia*, and which facultie and power his grace may exerce without a grant *per actum in vivos* efter his majoritie. [*Here is written in margin*, 'pitt the thrid in the second place.'] (2) We conceave that it is not the countes of Buckleuchis interes to move for such a grant Bicaus thair being *communio bonorum mobilium* tuix husband and wyfe by our law, if the mariage dissolve by death of ather partie, the wyfe surviving the husband hes the half, or dyeing befoir the husband her executors and legatouris have a half, and tho' thair be children she hes libertie to dispose of a thrid at her pleasure. (3) Such a wreatt wes nevir maid to our knowledge by any King of Scotland to a naturall sone nor any subject whatsomevir (except in the caice of a direct legittimation ordinerly granted to the Kingis subjects, bot never to a naturall sone of the Kings to our knawledge); And we conceave that in this caice, as it is unnecessar to introduce, so it is *tutius* frome exception and misconstruction to forbeare novelties and new formes of writtis unknowen to our chancellarie.

(On the back) 'Lettres and papers concerning the D. of Monmouth.' [I. 62]

XLVIII. LAUDERDALE [TO GILMOUR].

WHITEHALL, 21 *Feb.* 1663.

MY LORD,—I am not at this time idle, and therfor I hope your Lordship, and the rest that were joyned with you by his Majestie anent the Duke of Munmouth's busines, will pardon me when I freely confess to you that I did forget to write to you when I despatched my last pacquet on Thursday last. This is sent mainly to mend that fault, and in his Majesties name to let you know that he is very well pleasd with the opinion you sent him, and rests satisfyed with it. This your lordship will be pleasd from the King to make knowen to all that were by his Majestie imployed

in that busines. I have no further in command from his Majestie. From my self give me leave to assure you that I am with great faithfullnes, Your lordship's most affectionat servant, LAUDERDAILL. [I. 63]

XLIX. SAME TO SAME.

21 *Feb.* 1663.

For your self onely.—Yours of the 14 came to my hands yester-night, and I immediatly did acquaint his Majestie with it, who is very well satisfyed with your lordship's care and diligence in what you conceave to be for his service; and I must needs adde he is very well pleasd with your cariage in many other particulars of which you may heare more hereafter. I have no further commands from the King to communicat to you then what is in this other letter, and it is farr from my custome to use the King's name without ane express warrant; let others doe so, They may at long runne repent it, But I pretend to be no prophet. Alwayes give me leave to write my privat opinion to you as my good freind. And first as to that parchment of which Spynie gave you notice, use all faire means you can to get these parchments into your hand that concern that old legittimation, and if you can doe it send them safe to me; But if they be sent so to you as you can not fairly send them, Then send me a true copie of them, and be sure to keep them in your hand untill you heare from me againe after I have gott the copie. I was not a little surprised to heare that upon a privat letter the publication of a proclamation should be stopt by ane act of councell extraordinarily called, especially seing the order for the proclamation was so peremptory under the King's hand and seale; I doe call it a privat letter, for the King is at Whitehall, and none heir represents his person. The E[arl] of Middleton is not commissioner but onely within Scotland; It is my place and mine onely to signify the King's pleasure in wryting, and it should have been too great a presumption in me thogh the King had given me ane express command for it to have dared to contradict

his so express pleasure under his owne hand and seale, in any other way then under his hand and seale againe. My privat opinion is that the King gave no such contrarie order, nor did not so much as know of it, But I doe say this as my privat opinion sure I am his Majestie did well weigh what he wrote, he read it and red it againe, and I know so well his wisdome and firmnes to his resolutions that I am of opinion he and his councell are both abused in this. But it is no great matter what my opinion is, I doe not pretend to infallibility, and I am glade you did speake against it. Alwayes I have orderd the Clerk of the Councell to send me under his hand the true copie of the act for stopping the publication of the proclamation ; and I hope he knowes his duety better then not to send it immediatly by the very nixt post. I pray you see it be done, els I will not take it well. I dare not give my Lord Chancellar advice, he hath of late very undeservedly made himself so great a stranger to me who have deserved better from him ; But I doe too well remember his relation to William D[uke] of Hamilton [1] not to wish him very well, and therfor I must needs suggest to you that he will wrong himself much If he doe not keep that letter very safe, that letter I meane from the Earle of Middleton upon which he called the Councell which stopt the proclamation. The letter exoners him in case the King shall not owne the stop of it. If you thinke fitt you may give him this advise ; It is good councell, and he may one day thanke me for it. I heare of a strange stories [*sic*] in Scotland of the meeting of the Scots Councell heir. Let men talke and lye till they are wearie, suspend your judgment, and excuse me, I will say nothing of it untill first his Majestie declare his pleasure. This letter is onely to your self, make use of it as you thinke best, and burne it when you have done, and so good night. 21 Febry. very late.

(Addressed) ' For Your self my Lo: President.'

(Note in the President's hand) ' 21 Febry. concerning the stop of the King's proclamation and divers others.'

[I. 64]

[1] Glencairn's second son had just married Hamilton's second daughter.

L. SAME TO SAME.

28 *Feb.* 1663.

My Lord,—Since my last this day sinnet I have receavd yours of the 19, nor shall I thanke you for the account you give of my busines with Wedderburn; but when you shall advise me what to doe, you will not finde me refractorie. If you have not done it already, I pray you let my Lord Bellenden know what I wrote by my last concerning the stop of the proclamation. All I can adde is that my Lord Middleton now knowes that the King was so farr from giving warrant for what he wrote, that his Majestie knew not of it, nay he did ever justifie his owne letter. Nixt day the King sent for him and told him his minde freely; his lordship I beleev denyed that he wrote any thing but a privat opinion. And since that time he hath not been at Court, and I heare he hath these 4 dayes kept his chamber; which I guess to be the reason you heare no more of it nor of the maine busines. But I must be silent till his Majestie declare his pleasure; and yet I must say I am very little troubled with what I heare of ane accusation framing against me in Scotland, yet I am beholding to Sir John Nisbet for refusing to consult my accusation or to ingage not to be for me. If your lordship thinke fitt you may let him know so much from me, thogh I thinke not fitte to write to himself as yet. Let men brag and talke and lye, I will with humble patience waite his Majestie's pleasure. I doe so much depend on your moderation toward my cousin Torsonce that I will not trouble the King with it, for I am sure for my sake you wilbe gentle to him. I long for the answer of my last, and then you shall heare from me. Adieu.

[I. 65]

LI. EARL OF ROTHES TO GILMOUR.

28 *Feb.* 1663.

My Lord,—I know the Erle of Lauderdaill has in his Majesty's name acquainted your lordship with what is his Majesty's pleasure to doe with me in order to my gift of

ward and maridge of Anna Countess of Buccleugh, so I shall not trouble you with repeatinge the particulars, But shall humbly disire your lordship may hasten your returne to my Lord Lauderdaill as soone as possibly you can. I have followed the same methods in prosecutinge this bussines that I was resolved upon when you and I parted, which was to restore mysclf to his Majesty ; and trewly I have found the good of it, for he is just to all, and I have found so much of kindness in his way of doeing this to me that I consider it as a greater advantage to me than all the soume I am to receave. For it was the desing of some (and cuningly managed) as they thought to make my interest very insignificant, But at meetteing I will make your ears tingell to heare how I have beine dealt with. But at this tyme I will lengthen out your trouble no further then tell you that I am, Your humble servant, ROTHES.

[I. 66]

LII. MEMORANDUM FOR THE EARL OF ROTHES AND THE COUNTESS OF BUCCLEUCH.

March 1663.

It is fitt to drawe a contract betwixt the Earle of Rothes, as donator to the ward and marriage of the Countes of Bacleuch, one the one part, And the said noble Countes with consent of her courators one the other part, By which Contract the Earle is for the causes underwritten to renunce and simpliciter overgive in favours of the said noble Countes and her aires and successors the gift of ward and marriage of the said noble Countes disponed to the said noble Earle be his Majestie, conforme to his highnes gift under the privie seall dated the day of , Renuncand and transferring all benefite and commoditie which the said noble Earle can aclame therby in favours of the said noble Countes and her forsaids ; Exceptand always that the said noble Countes is to be oblidged to performe to the said noble Earle in maner underwritten. For the whilk cause the said noble Countes with consent of her couratours is to be oblidged to pay to the

said Earle the soume of nyne thousand pound Sterline within the space of nyne years following, yearly and proportionally, in maner after specified, viz., the soume of ane thousand pound sterline yearly at the terme of Mertimes, beginnand the first year's payment at the terme of Mertimes nixt, And soe furth for the space of the saids nyne years, with the soume of In case of faillie at everie terme of Mertimes or within the space of dayes thereafter; And farder for the Earle's better securitie the Countes is to be oblidged to infeft him in ane annual rent of a thousand pound sterline for the space of nyne years out of the lands of , Be two infeftments, &c., with a precept of seasing. As lykways for as much as the Earle is here to make mention of the securitie he gave to the Countes sister of the twentie ane thousand and sex thousand merks, And of ane other band given be the Earle to the said Countes of nyn thousand merks, the Countes with consent of her courators is to discharge, renunce and simpliciter overgive all the said soumes with the bygaine annualrents therof restand owand, And to grant a procuratorie of resignation *ad remanentiam*; and to the effect her resignation and renunciation may be the more valid, a power to infeft her as aire to her sister be a precept of clare constat or otherways, with this provision always That in case it shall be found that the forsaids two, the soume of twentie one and six thousand merks, with the bygone annualrents thereof, or any part thereof, shall be found in law to be moveable and to appertane to the executors of the Countesse's sister, In that case neither shall the Countes be holden to warrand this renunciation nor shall the samen hurt or prejudge any right or tytle the executors and legators hes or can pretend therto as accords of the law; And shee to be oblidged to ratifie and approve at her perfect age.

This contract would be subscryved att least a day before the contract of marriage; And seeing the Earle of Rothes is to be consenter in the contract of marriage, there would be a clause subjoyned therein declaring that nothing of the contract of marriage is to prejudge the other contract past

betwixt Rothes and the Countes, Nor of noe oblidgments, renunciations and discharges therein containcd made and granted be the Countes to thc Earle for her right of the ward and marriage. [I. 67]

LIII. (*copy*) KING CHARLES II. TO PRIVY COUNCIL.

WHITEHALL, 10 *March* 1663.

CHARLES R.—Right trusty and right welbeloved cousin and Councellor, Right trusty and welbcloved cousins and Councellours, Right trusty and welbcloved councellours, Wee greete you well. Upon consideration of an act of the last session of our parliament, entituled 'Anent persons excepted forth of the indemnity,' bearing datc the 9th of September 1662, Wee did by our letters of the 23rd of January last command you to make publict intimation of our pleasure, for suspending the first termes payment of the fines, untill we shall dcclare our further pleasurc concerning the same; As also for dispenceing with the pcnaltyes, and that by open proclamation and all other wayes requisite, To the end all our good subjects may take notice of the same. This letter wce commanded you to Registrat in our Councell bookes, And to these our commands wec did require ready obedience and a speedy accompt. In pursuance of which letter, wee were informed, That you gave order for a proclamation on the 12th of February last. But wee wondred much to heare, That on the 13th of February you did by an act ordaine That proclamation should not be published untill further order; Yet not haveing heard any thing from you concerneing that suddainc changc, Wee did forbcare the dcclareing our plcasure concerneing the same, untill wee should sie an Extract of that your act of the 13th of February. And now findeing by thc subscribed extract of that act, That a letter was dirccted by the Earle of Midletoun our Commissioner, to you our Chancellour in these words (That if you havc not published any thing relateing to the fynes, I do in his Majestie's name desire That nothing may be donc), Wee have thought fitt to let you know, That wee do againe require you to obey our

said letter of the 23rd of January, according to the tenour of it. So expecting a speedy accompt of your obeying these our renewed commands, Wee bid you hartily farewell. Given at our Court at Whitehall, the 10th day of March 1662-3, and of our reignc the 15th yeare, By his Majestie's command, LAUDERDAILL. [I. 69]

LIV. LAUDERDALE TO GILMOUR.

10 *March* 1663, '*midnight.*'

MY LORD,—I have receavd yours of the 3 instant, and can but thanke you for all your kindnes both in my owne particular, and that of my unfortunat kinsman Torsonce; what ever hath been done with him he is very sensible of your favor and so am I, yea I am sure without further inquiry it is very well, seing you are satisfyed with it.

You doe not tell me the succes of my message in relation to the letter, but I will expect it, and I thinke it will come safe, for I am of opinion that none will thinke fitt to open any letters directed to me. I am still of opinion my advice was good councell.

Heir I send you a true copie of his Majestie's letter concerning the fines; The originall I have sent to my Lord Chancellar, I have told his Lordship what it is, and I have written these words to him: (I know not whither the Earl of Middleton will thinke fitt once more to countermand this his Majestie's renewed command, but I doe humbly conceave he will not, and therfor I am in good hope this will be obeyd). This was enough for me to say to his lordship, and it may be you will thinke it too much, But I will tell you the Earl of Middleton hath not been with the King since Saterday was a fortnight; you will see I drew this letter more moderate then the busines can well beare, but I love soft words and good hard arguments. One thing I shall desire you to advert to; This letter is relative to the letter of the 23 January, In it there is ane expres command to discharge the receaver of the fines, of this the Councell tooke no notice in the proclamation 12 February, I hope now you will looke to it; for this letter renews the former

in terminis, and I did *dedita opera* forbeare the repeating that clause because you will see it there, And it is to no purpos to repeat every word. I have considered your advice anent my wryting to the Earl of Murray, but I thinke it not fitt for divers reasons with which I shall aequaint you another [*sic*]; Doe you use your indeavors as I wrote to you formerly.

My brother will give you his owne answer anent the minister. Be pleasd to shew this with the inelosed eopie to my Lord Bellenden, and beg his pardon. I am so very wearie I am able to write no more and so good night.

[I. 68]

LV. CHARLES MAITLAND TO GILMOUR.

Whitehall, 12 *Mar.* 1663.

My Lord,—I most in the first place give you thanks for what yo doad mercifullie in the bussines off my unhapie cussing, and nixt I most tcl you I am glad that so neer a relation of yours is pitched on to be our Minister. That he is an old Malignant I leik him all the better, for all my leif I have been so hapie as to injoy the name off a young one. Ye said ye vold tak me in your oune hand, and treulie with impliset faith ye meight doe so, bot I most tel you that I expect your leaders testimonie of him as vol as yours, whieh is vell suspend till yo be vaited on by, My Lord, Your humble servant, Ch: Maitland.

My Lord pray present my servis to your ledie.

[I. 70]

LVI. EARL OF ROTHES TO GILMOUR.

19 *March* 1663.

My Lord,—It is impossible that any thinge can ingage me to be mor your servant than the former tyes you have put upon me; yet havving receaved your letter and the advyee, I eould not but returne you thanks. I shall be very observinge of your kind advyce. The peapers are yet in my sisters hand, and what her serupels may bee I know not, but if she have any that may oeation the alteration

of one sentanse in that drawght, I shall never seing them. So I shall ade no mor to your troubles, but tell you that I am, My Lord, Your most humble servant, ROTHES.

[I. 72]

LVII. COUNTESS OF LAUDERDALE TO GILMOUR.

WHITEHALL, 21 *Mar.* 1663.

MY LORD,—I returne you this paper by Mr. Sharp, signed by my Lord's hand, and my humble thanks for your favour. I doe acknowlage my self very much ingaged to your Lordship for it. I have not wrot to Mr Sharp to waite one you; what is further to be done your Lordship will be pleased to give him derection. I am, My Lord, Your Lordships affectionat frend and servant, A. LAUDERDAILL.

[I. 73]

LVIII. EARL OF LAUDERDALE TO GILMOUR.

WHITEHALL, 26 *Mar.* 1663.

MY LORD,—I have made a discovery of strange proceedings in relation to a fine, by which it will appeare there was reason for what his Majestie was gratiously pleasd to command in order to the fines, and the discharging the receaving of them till his Royall pleasure should be declared. And some men wanted not a cause to indeavor *per fas et nefas* to obstruct that gratious act of his Royall justice. More of this I suspect will afterwards appeare, althogh it was heir said with too much confidence That the act of fines was not obliging till it were published, and that till then nothing could be done upon it. What I have discoverd is too cleir to be concealed, and as in duety I am bound, I am resolved by God's permission his Majestie shall know the bottom of it. In short, I am possest of a true copie of a bond granted by Sir George Kinnard to Mr John Drummond of Leynoch dated the last of January 1663 granting the receipt of 15000 merks from him, and obliging himself to procure a remission to Robert Andrew betwixt

and the 1 June or els to repay 10000 merks. I am possest of a copie of a commission from the Earl of Middleton to Sir Alexander Durham authorizing him to receave from the said Robert Andrew the summe of 3600 merks of fine imposed by this last session of Parliament on him, and to grant diseharge therupon, dated 29 of December 1662. I am poşsest of a copie of Sir Alexander's discharge of that summe, and of Sir George Kinnard's acknowledgment under his hand that he hath the commission, and his obligement to Mr John Drummond to make the same fortheommand or to give a registrat extract of the same; This is dated the 30 of January 1663. Also the copie of Sir George's obligement to procure Robert Andrew a pass. I am also possest of a copie of the Earl of Middletons warrant to seeure any shall bargaine with Robert Andrew for his land, etc., dated the 14 day of June 1662. The originalls of thesc papers I am eonfident are in the possession of Mr John Drummond; And therfore I doe intreat your lordship as soone as you can to send for Mr John Drummond, and in my name require him to let you see the originalls, and that he part not with them for they may by greater authority be called for. I have, and have long had the opinion of Mr John Drummond that he is ane honest man, and therfor I doubt not but he will let your lordship see them and keep them safe; for he may easily thinke I will not let this matter sleep, seing I can prove the contents of those papers by famous witnesses insert and who subscribed them and will not shunne to owne them when they shall be required. But out of my respeet to Mr John Drummond I doe takc this course, yet I forbore wryting to Mr John my self for some reasons; but I doe allow your lordship to let him see this under my hand, that he may know I am in earnest, and that I have good ground for what I write. I hope he wilbe discreit and not talke of this busines, but ingeniously shew them and then keep them safe, and then he may trust me there shall no prejudiee come to him in the matter. I will expect as soone as is possible your lordship's answer in this busines, and so I rest, My Lord, Your lordship's affectionat servant, LAUDERDAILL. [I. 74]

LIX. SAME TO SAME.

Whitehall, 8 *Apr.* 1663.

My Lord,—This pacquet goes by a servant of the Countes of Buccleuch, and is by his Majestie's command directed to my Lord Chancellar. In it there is a signed copie of the Duke of Monmouth's contract of marriage; But that copie is so fals written and so scored and interlined that there was a necessity to have the two copies written over againe which are to be signed both there and heir; and it could not be done heir, and therfor his Majestie hath commanded my Lord Chancellor to call your lordship, together with the curators and lawyers of the Countess of Buccleuch, That by common advice the two faire copies may be drawen. Your lordship will finde the contract the very same with that which you drew heir, except the designation of the lands, which you will see in a Scots hand different from the hand of the rest of the contract. In the contract it self you will only finde the blancks filled up which you left blanck in that part of the Duke's provision which is to be imployd on land in Scotland; The King first resolved on twenty thousand pound sterlin, and you will finde it now fortie thousand pounds, for so the King resolved and so it is filled with my hand, and so it must stand. But I need not repeat more of my letter, which does signifie the King's pleasure cleirly, and which I doe not doubt but my Lord Chancellar will shew you at your meeting. But there is a particular of my owne in that contract with which I must crave leave to acquaint you. In the designation of the lands I finde the teinds of Shereiffhall, personage and vicarage, insert. Now you know Shereifhall is a part of the lordship of Mussilbrough, and in a civility to my Lord of Morton my father did scrape out of his infeftment in anno 1641 the superiority of Shereifhall; and I was most willing to pay the same civility to the Countess of Buccleuch, and gave order to except it out of my new ratifications and infeftments; But the teinds were never excepted by my father nor me, and so we stand infeft in them. I heir send your lordship the just copie of my act of parliament; you

may call for my new infeftment from Mr William Sharp ; [1] and by them you may shew my cleir right to these teinds, and when they see it I hope they will not insert these teinds in the designation of the lands. All the prejudice that will come if they continue those teinds in the contract is that I cannot subscribe witnes to it, and this is truely all my reason why I desire they may not be insert ; but if they notwithstanding doe thinke fitt to insert them, all that will come of it will be that I cannot subscribe witnes. This in freedome I doe intreat your lordship to shew to the Countes of Buceleuch's freinds and lawyers, and I doe shew it heir to my Lady Weems, and whatever they doe in it shall satisfy me. Pardon this trouble I put you to, and beleev me to be most really, Your Lordship's affectionat servant, LAUDERDAILL. [I. 75]

LX. (*copy*) SIR JOHN GILMOUR TO LAUDERDALE.

EDINBURGH, 15 *Apr.* 1663.

MY LORD,—In order to his Majestie's commandes to my Lord Chancellour, his lordship on Sunday at night wrett to me to wait upoun him and such of the curatouris and lawiris of the Countes of Buccleuche as sould be in the toun the next morneng ; whieh I did accordingly, and ther informatioun wes given not only in relatioun to the contract of marriage, bot of the other contract betwixt the Erle of Rothes and her. Yesterday I cam in to counsell, and this day to the dispatche of the Countes of Weymes servand. The Erles of Eglingtoun, Wintoun, and Lord Montgomerie eam this morneng, who have subscribit the contract. On thing I most informe your lordship of in relatioun to that effair, which is that yesterday in the morneng whill I wes comeng in Bavella [2] eam furth with Stobbes [3] and Harwood,[4] told me that he had bein privie and intrusted with the Erle of Buceleuehe's taillie and honored to be on

[1] Keeper of the Signet.
[2] Mr. Lawrence Scott of Bavelaw.
[3] Sir Gilbert Elliot of Stobs.
[4] Robert Scott of Harwood.

of the tutours nominat by him to his air; That he wes a curator nominat and choysen by this Countes, and hade given his oath of faithfulnes; that not being present at the meiting the day before by occasiones, and not haveing sene the contractes bot since, scruples and difficulties occurred to him, which wer:—First, as to the contract of mariage, he fund that the order of the taillie and conditiones therin expressed wer broken, and how he could againes his oath and duetie and trust by the first taillie subscryve consenter to this contract of mariage, he knew not: Nixt, as to the contract with Rothes, he told that he fund his lordship contractes as donator to the waird, nonentrie and mariage; as for waird and nonentrie he knew there wes non, that his Majestie wes not signer of that contract, and that therfor he understood not how he could warrantablie in such a suddentie subscryve aither. My answer wes:—As to the contract of mariage, the Erle of Lauderdaill and I wer appoynted to meit with the freindes and relatiounes of the Countes of Buccleuche to sie conditiones agried upoun drawen in forme, which accordingly with all faithfulnes we did; That we could not refuis any advantages proposed in favouris of the Duke of Monmouth for quhom we wer intrusted; That it wes proposed that no mentione sould be made of the taillie, bot the estate to be provydit as it is set doun in the contract; and when we did informe that the order and conditiones of the taillie wer contrarie, it wes told ws that a conditione sould be insert provyding that the resignatioun and infeftmentes to follow sould not prejudge the Countes and aires of hir body; and if ther wer any thing provydit in this contract contrair to law it wes to suffer a deisioun [*sic* ? *lege* decisioun], meane whyle this contract might *valere quantum potest.* My lord, it wes not our pairt to stand in the way of such propositiones. The Duke of Monmouth his lyfrent I hope is unquestioneablee secure; The aires of the mariage also; what further wes pressed for the Countes of Buccleuch by hir mother and lawieres wes not pertinent for ws, and hade bein ill service to refuis. The thing is in the Kinge's power and (blessed be God) he is a just and good King. I conceave as the thing

wes prymely intendit by my Lady Weymes in favoures of the Duke of Monmouth, so it wes not without some odium to otheres. When I first by visit saw my lady ther, shoe told me that shoe yet had done nothing to wronge that taillie. At another tyme shoe told me that I wes the contryver of it. To this last I answered that indeid I wes the framer of it, non being intrusted on it by her husband bot my selff, Clerkingtoun [1] and Langshaw; [2] I the dyter, Langshaw the wrytter, he himselff present at the wryting of everie sillable in it, exeept the inserting of the landes; and his testament at the same tyme drawen also. He furnished the materialls, I as a lawier only the forme; And as in all his lyfe, so in that particular he shew very great respect to this lady, with advantages, as may appeir by the deides. Haveing made this digressioun I must returne and show your lordship that I told Bavilla I hade bein a faithfull trustee for the Duke of Monmouth; That I had no advyse to give to him, bot to doe as he wold be answerable in that particular. And as to Rothes bussines I told him that by order from his Majestie that contract was drawen by advyse of both the Erle and Countes lawieres, That Rothes layed never weight on the waird or nonentrie, only on the mariage, which wes of much mor value then what wes appoynted for Rothes; That I by his Majestie's order did caus the seeuratie to be drawen. Those scruples Bavilla hes overpast and signed with the rest. Coneerning your awine particular about the teynds of Shirefhall, I schew your letter and the double of your act; your letter did very weill satisfie the wholl company both at first and last meiting. Langshaw answered that he beleived your father subscryved a paper to the Erle of Mortoun both for superioritie and teyndes. He thought ther wes some reservatioun in it for the Courtes of the regalitie of Mussilbrugh, and as he suspected for the mylnes also, Bot he could not be positive nor could he instruct it, the Keyes of the charter chyst being in severall persones handes, not heir for the tyme.

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[1] Lawrence Scott of Clerkington.

[2] Mr. John Scott of Langshaw.

Meane tyme since your lordship is not cleir, everie body thought it reasonable you sould not be witnes to the contract of mariage. Now since I am fallen to speak of your being witnes to it, I sall trouble your lordship to tell you for what caus I did declyne to be witnes also, which I did privilie signifie to the Lord Chancellor and Erle of Eglingtoun, who thought my judgment reasoneable. First, as I have alreadie said, I wes framer and subscryver witnes to the first taillie, So that albeit advantages being offered to the duke of Monmouth for quhom I wes intrusted I could not give advyse to reject that, yit I sould be witnes againes my former witnessing; unles I had thought the deid altogether unquestioneable I could not. Nixt, considdering my publict trust in this charge whairwith his Majestie hes honored me, and my privat actinges as a lawier in that particular, I thought that if any questione sould arryse in efter tymes it might be a staine to my reputatioun and the honor of my place that my hand sould be at so contrary deides. The Kinge's service with my awine integritie doe I prefer to all the interestes in the world. I must further tell your lordship that of me lately thar have bein some strange passages in relatioun to publict effaires. If you doe not hear them fra otheres, I doe not intend you sould have them from me; I'le say no mor bot that as hitherto throw various and miserable tymes my integritie hes upheld me againes all obliquic and furie of men, so I hope it sall to my end, and thus I conclude, My Lord, Your lordship's most affectionat humble servand.

(On back) 'My lettre to Lauderdale in relation to the Duke of Monmouthes contract of mariage.'

[I. 76]

LXI. EARL OF LAUDERDALE TO GILMOUR.

Whitehall, 9 *May* 1663.

My Lord,—By the King's command I send this expres to my Lord Chancellar [1] with his Royall commands to the councell for adjourning the parliament till the 11 June.

[1] Earl of Glencairn.

The delay is short yet it troubled me because of the charge and disappointment of the members, but the reasons for it were such as I could not in reason oppose them ; and the rather that I am confident we shall have no more delayes, but betuixt and that time his Majestie will so declare his pleasure as I am very secure that all who truely love his Majestie's service without byends, and all who immediatly depend on the King, shall have reason to be well pleasd. Scotland I am sure hath cause and will have cause to say God bless the King. And albeit I am confident there will be ranting And perhaps conjectures written upon this delay, Yet I am in the old manner resolvd to let them write and let such as pleases beleev rantings. I will not, I must not, anticipat by prognosticating what the King's pleasure will be, but I doe and must desire my freinds to rest secure on his Royall justice. Onely in freedome to you I may desire you to observ that thogh the first of May be past, the King uses me as his Secretary still, etc.

Now out of the old freindship and freedome, I send you the very long paper which the Earl of Middleton gave in as ane answer to mine, and which I thinke like *parturiunt montes nascitur ridiculus mus.* Allwayes I gave it a short answer in 3 dayes. Receave the true copies of both, which in freedome I send you to be shewed as you thinke fitt to freinds, but I aske no advice on it ; for all my incapacity I will deale with my Lord Middleton and all his councell alone. Yet I owe you and my freinds ane account of my actions. Use it if you please as you did the last, and let the papers be kept very safe. This is all shall now be said by, Your owne L. [I. 77]

LXII. SAME TO SAME.

Whitehall, 29 *May* [1663], *midnight.*

My Lord,—When I tell you that the King did not publish and declare his pleasure in our affaires till this day, and that there is not a word yet written of instructions, That I am commanded to goe along with his Majestie's

Commissioner,[1] you will not expeet a long letter. It is enough to tell you that this expres brings his Majestie's eommission to the Earle of Rothes, with a warrant to adjorn the parliament to the 18 day of June (whieh I hope the parliament will not grudge, seing I am sure this will be the last adjornment). I have written to my Lord Chaneellar how seasonable his letter to the King was, and how usefull both your and his letter was to justify poore Seotland's loyaltie and good temper. But blessed be God we serv the most gratious master that ever was borne; Oh when I shall tell you all, you will say we have reason to say God bless the King. His blessed birth day is the date of this Commission. We part from this, God willing, together on Thursday nixt early, and make aeeount to be at Barwiek, at the furthest on Fryday the 12 June. Till then I shall say no more but that I am most heartily, Yours, LAUDERDAILL. [I. 78]

LXIII. SAME TO SAME.

HAMPTON COURT, 12 *June* 1663.

MY LORD,—On Saturday last I reeeavd your letter, together with your signature whieh at the first opportunity I presented to his Majesty, who was gratiously pleasd to signe it with as mueh eheerfullnes as I eould present it. I ehoosed rather to send it by ane express then with the eomon paequet, and your lordship shall herewith reeeave it, as I beleev you reeeaved ane aeeount of the passing it before this time. This is a small testimonie of the serviee I owe you, and whieh I shall upon all oeeasions be ready to performe when ever you shall lay any further eommands on, My Lord, Your Lordships most affeetionat Servant, LAUDERDAILL. [I. 79]

LXIV. (*copy*) KING CHARLES II. TO WILLIAM, EARL OF GLENCAIRN, CHANCELLOR.

WHITEHALL, 20 *Aug.* 1663.

MY LORD CHANCELLAR,—I did expeet after the answer whieh you and the rest returned to me on the 11th of July

[1] The fall of Middleton is now accomplished, and John, Earl of Rothes, is this day appointed King's Commissioner.

to the propositione I sent for ratifieing the Contract in that maner that wes ther mentioned, that sinee you thought the way proposed ineonsistant with law, and derogatorie to the privat riehtes and interestis of subjectes, you would have proposed some other way for the doeing thairof and eomplyeing with the full endis and intentione of that eontract; for you eannot think me so litle eoneerned in that affair, as not to exaet a full performanee of what I wes then assured of Both by all the persones interessed, and by all who wer trusted by me in prepairing that instrument. Sir John Gilmour by my direetione drew that eontraet as prineipally interest by me, and I wes assured that the samyne wes good and valide in law. It wes then sent into Seotland, and signed by you, and all other persones ther who wer eoneerned in it, and so returned to me, whairupoun I gave my eonsent and approbatioun to the eonelusione of it; And now when I expeet the ratifieatioun of it by parliament, to be told it is ineonsistant with the law, the eontrary whairof wes assured to me, and no other way to be proposed to me for the doeing it, ean in no degrie be pleasing to me, or agrieable to my expeetatioun; And for ought I sie, If nothing mor be done befor the parliament ryse, My sone the Duke of Monmouth is not only not to be better for this mariage (If he outlive his wyfe), Bot he and his wyfe and the euratours may suffer by this eontraet, In whieh I am sure my honour most suffer lykwayes. I doe thairfor ehuse to wrett this to you, beeaus I expeet ane partieular aeeompt from you after you have eommunieat this letter to the Commissionar and to my Lord Lauderdaill, And that upoun eonferenee together you put it in some sueh way, that all the endes agried upoun in the said eontraet be eomplyed with (whieh I most expeet), And the same so ratified in parliament and the euratours so provyded for and sueh provisiones inserted in it that I may not be dissapoynted of my expeetatioun. And this I most requyre, sinee I sie that the exeeptione of the aet of *salvo jure* is passed in some eaiees, and therfor I doe expeet in this. I doe purposely send William Fleyming [1] to solieit and follow this bussines,

[1] Possibly Sir William Fleming, a member of Privy Council.

And to observe such dirctione as you sall give him in o[r]dor to bring it to ane good end ; And I wold lykwayes have you give such directione for the calling the curatours and receaveres to such ane exact accompt that I may know what hath bein receaved from that great fortune from the tyme it ought to be accompted for, and how the same hath bein disposed of. And so expecting ane speedie accompt from you of what I so earnestly recomend to you, I rest, Your very affectioned freind, (Sic Subr.) CHARLES R.

[I. 80]

LXV. (*copy*) SIR JOHN GILMOUR TO SIR ROBERT MORAY.

EDINBURGH, 3 *Sep.* 1663.

SIR,—I have heard red a letter from his Majestie to the Lord Chancellour, whairin my name is mentioned as being imployed by his Majestie to draw that contract of his sones the Duke of Monmouth with his lady the duches ; and bearing that his Majestie gave his consent and approbatione to it, efter it wes signed by all pairties concerned in it. What further is in the letter I cannot resume, haveing only heard it red, Nor is it fitting for me (tho I had knowledge of all the particularcs of thc letter) to debait upoun or make answer to them. This much I sall only in all humilitie say, that I never went about any bussines mor faithfully then that of the Duke of Monmouthes according to the trust put upoun me by his Majestie, and that without respect to any interest whatsomcver. And when the contract cam heir to be signcd, according to his Majestie's letter to the Lord Chancellour, I did wait upoun the severall dyetes, told my judgment frecly, And in fine when it cam to be subscryved I did declync to subscryve witncs to it for reasones which I made knowen to the Lord Chancellour and Erle of Eglingtoun, and when the contract wes signed by the curatours and sent to his Majestie by the Countes of Weymes servant I did with the same bearer wryt a lairge letter to the Erle of Lauderdaill, his Majestie's secretarie, concerning that affair, and conteining the reasones for my not subscryveing

witnes to that contract. It wes my good fortoun (and I thank God for it) that I keeped a double of that letter by me, which I have sent to you heirwith inclosed, By which my integritie may appear to his Majestie in that affair. Sir, in all that bussines both at Londoun and heir I did so adwyse and cary my selff as might most be for the advantage of the Duke of Monmouth. And sure ther could be no other persone imaginable whom I could gratifie therin, not my lady Weymes who ever since the mariage of her eldest daughter [1] did look upoun me with ane unfreindly eye for my ingenuous sense of that particular exprest by me to her frequently, and specially by my letters written to her soone after that first pretendit mariage and long befor the legall solemnizatione therof; Nather can I be thought to have gratified any pretendit aires of taillie, to whois prejudice (If law will allow it) the contract of mariage is concluded. So that meerly upoun the accompt of my trust, and for the advantage of the Duke of Monmouth so far as law will, and without respect or considcratioun of the taillie, did I goe allonges with all propositiones made for the Duke's advantage; and to witnes my integritie therin, I did not only declyne to subscryve witnes to the contract as said is, bot I wret the forsaid letter to his Majestie's Secretarie which I humblie recomend you may be pleased to make knowen to his Majestie, and if his Majestie may allow it that you may read the copie of the letter to him which beareth date the 15 of Aprill 1663. Sir, I had a purpose to have made bold to wrytt for my cleiring to the King himselff, Bot haveing taken the advyce of my lord Comissionares Grace [2] and the Erle of Lauderdaill, they thought it mor fitt I sould make my address by you, which by this I have done, earnestly desyreing you may comunicat the same to his Majestie, and that I may have his Majestie's sense of the thing towardes me. I have lived long in the world very faithfull to his Majestie, his royall father and grandfather of ever blessed memorie, and sall desyre to live or prosper no

[1] See footnote to Letter VI.

[2] Earl of Rothes.

longer then with all integritie and simplicitie of hairt in all my trust publict and privat I may continue, his majestie's most humble and faithfull subject and servant.

[I. 81]

LXVI. EARL OF ROTHES TO GILMOUR.

13 *Nov.* 1663.

My Lord,—I cannot but make ane apologie for my beeing so long of giveing you this trouble, After the receat of two of yours, on of which was by My Lord Teviot's man, which was longe of comeinge to my hand, proporteinge your desire of haveing some mony, wherupon I spok efectualy to my Lord Balenden, and he told me that ther was no monies in Sir Walter Seatton's [1] hand, and that it was unnecessary to wreat to him of any thing of that nature ; but you may realy believe that any thinge concerneinge that or any thing else within the reach of my power and fortoune shall be with all imaginable zeall performed by, Your humble servant, Rothes.

I have written the inclosed to John Campbell, which I doubt not will be as effectuall as to the satisfieing of your desire ; and if that faill, my Lord Ballenden will be doune in a fortnight, who unquestionably will see it satisfieingly performed.

[I. 82]

LXVII. SIR WILLIAM BELLENDEN OF BROUGHTON [2] TO SIR JOHN GILMOUR.

London, 1 *Dec.* 1663.

My Dear Lord,—As yet his Majesty hath not declared his pleasure in those perticulares which caused my cominge hither, and that is the only reason of my stay. Nixt weeke positively I am promised my dispacth, and then I shall mak all possible hast towarde you, I hope it will seem noe strange thinge to you that I recommend the Bearer Sir William Bellenden [3] to your kyndness and frendshipp, he beinge a

[1] Sir Walter Seton of Abercorn, tacksman of Customs and Excise.

[2] Sir William was raised to the peerage as Lord Bellenden of Broughton in June 1662. He was also made a Privy Councillor.

[3] Son of John Bannatyne (*or* Bellenden) of Corhouse.

person that I would leave nothing undon within my power for the advancement offe his fortune; and hee haveing by his studyes and other indeavours inabled himselfe to the practice of the law, and there now beinge a probabillyty that there may be som places voyd as amonght the Lords of the Session,[1] it is my humble and earnest desire to youre Lordshipp that you would alow yourselfe som spare tyme of confference with Sir William which I hope will afford you sofficient matter to recommend him to Earl Lauderdaile as a person quallyfied for that imployment when any such ocation doth offer. The favour he shall receive from you, as it will put a lastinge tye on him, so shall it be accknowledged and returned in things not in my power as may best appiare to bee, My Dear Lord, Your Lordshippis most humble and truly affeictionett servant, BELLENDEN.

Joseph hath provided for you as many shooese and slipers as I belleeve will serve for a twelle moneth.

[I. 83]

LXVIII. EARL OF LAUDERDALE TO GILMOUR.

WHITEHALL, 8 *Dec.* 1663.

MY LORD,—You know my humor is not to prognostick, whatsoever my knowledg may be in publick matters, untill the King publickly declare himself; and therfor I was resolved not to write till I could write to purpos, Trusting to the justice of my freinds and to none more then yours That you wold not mistake my silence. Yet your two letters force me to breake my resolution least you should thinke me uncivill, Thogh I hope you will not thinke me unkinde, for which I am sure I shall never give you cause. I shall be carefull of your commands as to my Lord Bedlay,[2] as I shall of every thing you recommend. Publick matters (I meane the King's further pleasure as to Billeting) will shortly speake themselvs. This I can assure you, I never had so great reason to be satisfyed with the justice and grace of my

[1]. See next letter.

[2] Ill, and absent from the Session: See Brunton and Haig's *Senators of College of Justice*, p. 374.

dearest master, as since I eame last. And this is all I must yct say. I now know the King's pleasure as to those who desirc to signe the declaration with explanations in wryting (Stairs and Arneiston I meane); His Majestie will no way admitt it, and will write to the Session very speedily to put all men to a positive answer. In the meane time let me know impartially who you thinke fittest to supply vacaneies, If Staires and Arneiston [1] be so ill advised as to quite. A thrid it is possible may vaike howsoever. I long for your advice, for by God's graee my vote shall be without feid or favor *Detur digniori.* Heir are pretenders for Sir John Gibson and Sir William Ballantine Corous sone; [2] But nothing shall be done till I heare from you. And advise me in order the first, seeond and thrid as you thinke them fittest. This is all can now be said by, My Lord, Your most affectionat humble servant, LAUDERDAILL.

[I. 84]

LXIX. SAME TO SAME.

WHITEHALL, 7 *Jan.* 1664.

MY LORD,—I shall not repeat any thing of publick eoncern, which your lordship will more easily and fully see from W. Sharpe,[3] nor write of any other thing at this time for which my meeting with the Earl of Tweeddale may have afforded matter, for I have but almost seen him, He eame yesternight. I caried him immediatly in his ryding posture to his Majestie, who gave him as kinde a reeception as I thinke he could desire. The occasion of this letter is to beg your lordships pardon for not answering sooner yours of the 19. The subject of it was to expres your just sensc of the necessity of filling well the vacaneies in the Session, of which I am as sensible as I can be of any thing, and shall be

[1] Lord Stair and Lord Arniston did resign, and their places remained vacant for a period. Eventually Stair was restored to office, but Arniston refused compliance, and was replaced by Sir John Lockhart of Castlehill. See *ibid.*, pp. 365, 381.

[2] Sir John Gibson (? of Alderston, or younger of Durie) and Sir William Bannatyne. Neither of these was successful. See also Letter LXVII.

[3] Mr. William Sharp, Keeper of the Signet.

as ready to contribute my indeavor without feid or favor as I can be, and in complyanec with what you offer, of which I hope you shall see the fruits shortly. The King seems positive as to his advoeat,[1] he must either dimitt or abide the tryall of a commission; I heare he is now advysing which to doe, and in my opinion if he be well advysed he will choose the first. His Majestie told Earl Middleton his minde frcely coneerning him. But speake nothing of this till you heare further. I have mueh to write, little time and less matter, and so must conclude with this assuranee that I am most sineerely and unehangeably, Yours, L.

[II. 1]

LXX. SIR JAMES DALRYMPLE OF STAIR [2] TO GILMOUR.

Ayr, 14 *Jan.* 1664.

My Lord,—I reeeaved a letter from my Lord Chanelour, that I might be at Edinburgh on the 19th instant to signe the declaratione anent the covenant. I have returned my answer to his Lordship that I have already resigned my plaee in the Sessione, so that I conceave there will be no mor requyred of me in that matter. My Lord, I sall not in the least doubt bot that your singular favour to me which begane so earlie and did contineu so constantlie will yet be the same, and rather increase in my retirment, in which men ar readie to meett with reproach and malice; non living did mor love and honor you than I ever did, and sall doe all my lyfe. I hope you sall not be ashamed to own me. I thank God I was free of that last busnes, and I may saflie say I never gave a vote in any thing materiall whieh was not in my judgment just and right. If I have need I will use my wonted freedom to speak you, and will evidence what confidence I have in your respects to, My Lord, Your reall and humble servant, Ja: Dalrymple.

[II. 2]

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[1] See footnote to Letter XLI.

[2] Sir James Dalrymple (afterwards 1st Lord Stair) succeeded Sir John Gilmour as President of Session on 7th January 1671. See footnote to Letter LXVIII.

LXXI. (*copy*) KING CHARLES II. TO LORDS OF SESSION.

WHITEHALL, 9 *Feb.* 1664.

CHARLES R.—Right trusty and welbeloved cousin and Councellour, Right trusty and welbeloved councellours, And trusty and welbeloved, Wee greete you well. Whereas our parliament in their last Session did, after examination of the contryvance and carying on of the bussines of Billetting, transmitt to us the originall depositions of those who were examined concerneing that whole matter, subscribed by the deponents hands, to the end wee might declare our further pleasure; Wee calling to mynd how both wee and our parliament were abused in that affaire, And well remembering what was the cariage of Sir George McKenzie of Tarbet [1] therein, And haveing considered his depositions and confessions under his owne hand, Have thought fitt to lay him aside from those publict trusts he did enjoy in that our Kingdome. Therefore, wee do require you to declare his place in our colledge of justice to be voide, which wee shall speedily supply. And so wee bid you farewell. Given at our Court at Whitehall the 9th day of February 1664, And of our reigne the 16th yeare, By his Majesties command, LAUDERDAILL. [II. 3]

LXXII. LADY MARGARET HAY [2] TO SIR JOHN GILMOUR.

EAST ROXBURGHE, 13 *March* 1664.

MY LORD,—I have so gret experiance of your former favers to my selfe upon all occations, as incourages me to have my recouress to your Lordship in behalfe of ane very neir relatione of meyne, whoe doth relay very confidently upon the assurance she hes fund of your frcindshipe, wherof

[1] Deprived of office as Lord of Session and Privy Councillor. See Brunton and Haig's *Senators of College of Justice*, p. 357.

[2] Lady Margaret Hay, only daughter of William, 9th Earl of Erroll. She married in 1638 Henry Lord Ker, only son of the 1st Earl of Roxburghe by his second wife, by whom she had (with three other daughters) Jean, married to William, 2nd Earl of Roxburghe, and this letter is written on behalf of this daughter. Lord Ker died 1st February 1643, and Lady Margaret married secondly, in 1644, John, 6th Earl of Cassillis.

her present conditione requeyrs an reneued testimony. Her respecks to your lordship did imbolden her to an greter degrie of fridome with your lordship then with any uther of whatsoever interest. It apeirs sume to whome ye have comunicatt thes particularse, as thinking it the most probable meine for her advantage, hes not managed that afaire so cautiusly or carefully as had bein wisht, but hes given noties to her Lord that she and I as is aleadgd had bein making sume adreses to you, wheruith he is so exasperatt as he hes laitly bein very harche and bitter to her, and she is too aprehensive may continoue in that temper. If it pleass your lordship so to interposs as to frie her of such things as he aledges for the grund of his displeasur, by taking it upon your selfe, for I trust in God she hes deserved no such dealling from him, If it war rightly considered. The gentleman will informe you mor fully of the particulars, whoe hes taken the pains upon her earnest deseyr to wait upon you to that efectt. I shall ade no mor but to intret ye may construck weall of this truble from a persone whos concernment as a mother cannot cheus but bc aflicted for the misfortune of her cheylde, whoe apeirs very tractable and submisive, therfor ought not to be too sore oprestt. I hope your lordship will have care that this be rectified, which shall be ane singulare obligatione to, My Lord, Your Lordships most obleiged and affectionatt freind, Margaret Hay.

If it mey not be impertinent, I sould humbley deseyre your lordship might deseyre my sone in law to pay what remains of the munie he was deu to me at Martimes last.

[II. 4]

LXXIII. SIR ROBERT MORAY TO GILMOUR.

Whitehall, 12 *May* 1664.

My Lord,—The Lady Balmerino [1] writes me word you had told her you had caused Mr Ward write to My Lord Bedford, that your adwyce was that hee should endeavour agreement rather than continue in plea, and that thereupon

[1] Margaret Campbell, daughter of Chancellor Loudoun.

Earl Bedford had written a letter to you, desiring that some proposalls tending to an accommodation might be given to his agent Mr Ward. But shee tells me withall that friends will not advise nor allow them to do it, etc. Now let me tell you that Earl Lauderdale speaking with Earl Bedford about that business with design to do a good office to Lord Balmerino[1] by perswading Earl Bedford to an accommodation, Earl Bedford told him hee had writ a letter to you, wherein hee had said to you hee would be advised (or ruled) by you in the business, or to this effect; by which Earl Lauderdale conceived it in a hopefull way to be ended. But it scemes either Earl Bedfords expressions to you have not been so full as Earl Lauderdale and I understood by the repetition he seemed to make of them, or you have not thought them sufficient to induce or warrant you to act in; it was to take upon you to deal with both parties. And here I being one who wish well to the Lord Balmerino and am a very humble servant to the Earl of Bedford find room to beg of you that you would review that letter of the Earl of Bedfords, and if you do find in it warrant enough to take upon you to deal with Lord Balmerino in it, to know what is the utmost hee will or can do in order to a conclusion, you would do it and so manage the matter as to endeavour to perswade Earl Bedford to condiscend to what the other would be content to do; and if that letter signify no more than to induce you to make that motion I repeated from my Lady Balmerino's letter, but now I desire that you would send me a copy of it, to the end that wee may see how to engage him to help it in a new one; There being ground to conceive he will not be uneasy to prevail with in it, seeing his language sounds so much that way. This I think I shall not need to urge with my utmost conjurations. The thing is so fair, so proper for you, and I doubt not suitable to your own disposition to do good, especially being of this nature and a concern of friends, and I use moderation in

[1] 'By his father's liberality to the Covenanters his means were greatly diminished; and several lawsuits, particularly an important litigation with his cousin, the Countess of Bedford, respecting his uncle's inheritance, rendered him still poorer.' (*Scots Peerage*, i. 568.)

this application to you (which I do make of mine own head) upon another account how that is I dare not venture my utmost credit with you lest there be something in it, hid to me, that may weigh so much with you as to keep you from going roundly about what I propose. And in that case let me offer whether it may not be driven in so farre by you as the determination may by your advice to both be referred to Earl Lauderdale for Lord Balmerino, and some other frcind for Earl Bedford, what sum shall be payed and in what manner. Herc though I soften somewhat my entreaties, you may see I am pretty bold with you, but I make no apology, seeing I know you believe me to be as indeed I am, My Lord, Your faithfullest humblc servant, R. Moray. [II. 5]

LXXIV. EARL OF ROTHES TO GILMOUR.

London, 21 [*May*] 1664.

My Lord,—The hoop I had to have beinc with you befor this tyme, and my unwillingnes to give you trouble, hes beine the ocation of my so seldome wreatting; but now I am promptit to it, knowing the great concernement the familie of Huntly hes in debate befor you, to which I have the honor of a neir relation, and though it bee unquestionably belived heer ther will be nothinge done in that bissines betwixt the Marques of Huntly and my Lord Southesk this Sessione, since the Erle of Mideltoun who is the Marqueses tutore is not in the kingdome, Yea now I hear is talkinge of demitteinge that trust to the Kinge, so that it would apeare very hard if such ane emenient and ancient famly should receive so great a blow and nobody to protect it, especialy the Kinge showing so vast an esteem for it as he does upon ocation show daily. Realy I have a very great value and service for Southesk, and all I most propose my earnest desire for you to doe is that the busines may be laid assid this Session, and I shall take it for a perticular favor, and I shall likewayes desire you may keep this letter to yourself that nobodie may know of it. Wee have very littell of news staeringe now, only we ar troubled with the

foolish advocate[1] who will entangle himself in such deffeculties as he will not easily rid himself off, but he had much better march off handsomly as many are of opinion he will; if he wayts he will certanly repent it. My Lord, certanly the foolish reports that I hear hes beine curant in Edinburgh of strange pepoles beeinge made of the Sessione did not procure any beleefe in you; iff it did, take my word ther is no ground for it, and I dare belive you and I shall have a littile discourse concerneinge thes things befor any effectual course be taken. A pardon for the length of this letter is only to bee expected upon the accompt on its comenge from on, who is most perfectly, Your humble servant, ROTHES. [II. 7]

LXXV. SAME TO SAME.

26 *May* 1664.

MY LORD,—It is his Majesties disire to have some advyce from this Kingdome concerning generall things, but perticularly anent the maner how the advocat shall be proceeded against, and who shall be competent judges in the matter of his tryall, and whether or not the Session may doe it, and if not, what other persons are fitest for that purpose. This much I thocht fite to communicate to you, that you may have your thoughts upon it; And give me ane acompt on Tuesday befor tweffve a cloak at Edinburgh, at which tyme ye will find my Lord Twedall and me togither. My Lord, there is no persone in all Scotland I would use this freedome with but your self, knoweinge your tendernes for every thinge whercin my honor is in the lest concerned; so your lordship with a great deall of justice may belive that I am, My Lord, Your most faithful servant, ROTHES.

[II. 6]

LXXVI. EARL OF LAUDERDALE TO GILMOUR.

WHITEHALL, 3 *June* 1664.

MY LORD,—I wrote befor to your lordship in favours of my kinswoman the Lady Elphinstoun, But am informed

[1] See Letter XLI.

that my letter came not to your hand ; This is a second to the same purpose. She hath a controversie with the Laird of Quarrell,[1] her owne cousin-germane, and her sonnes tutor, for the tutor-compts. They have beine in debate these two yeares ; And she complaines of her litle advancement, and pretends that the auditor appointed by the House to heare them hath not beine so carefull to second her zealous desires for the well of her sonne, as she wishes. And therefore she humbly craves, That the Lords Rentoun [2] and Staire may be added to the former, To the end that exact and speedy justice may be done her, and she redde of that troublesome action. I hope your lordship will not take ill the mediation of a freind in a just demand, who am, (My Lord), Your lordship's affectionat servant, LAUDERDAILL.

[II. 8]

LXXVII. EARL OF LAUDERDALE TO GILMOUR AND OTHER LORDS OF SESSION.

WHITEHALL, 21 *July* 1664.

MAY IT PLEASE YOUR LORDSHIPS,—Yesterday your letter without a date came to my hands, signed by my Lord President, togcther with your act and this inclosed signature. Within ane houre after I receaved your command, I acquainted his Majestie with the whole matter, who was gratiously pleasd to put his Royall hand to the signature of Remission,[3] and to command me to send it to your lordship. When I shall receave any further commands from your lordships I shall with the same diligence indeavor to obey you, for as I acknowledg it a great honor to be a member of that hous, So shall it be my studie on all occasions to approve my self, My Lords, Your lordships most humble and faithfull servant, LAUDERDAILL.

(Addressed) ' For the Right Honoble The Lord President, to be communicated to the Senators of the College of Justice.' [II. 9]

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[1] Sir Robert Elphinstone.

[2] Sir John Home of Renton, Lord Justice-Clerk.

[3] This cannot be traced.

LXXVIII. LORD BELLENDEN TO GILMOUR.

Morpeth, 10 *Aug.* 1664.

My Lord,—If I had not been nesessitate to atteend Earl Roxbrough at Kellso on Monday at night, I should not have failed to have wated uppon you at Craigmiller, which I shall doe att my returne. Whatsoever have been the former differencces betwixt us, I beseech you to belleeve that I am as cordially yours as ever, and shall most cheerfully imbrace all ocations wherin your interest may be concerned to make this trueth appeare to you. One thing I cannot omit, beeleevinge that evill people may unjustly have sugested that Mr Purviss [1] should have fomented our defference, I take God to wittness that hee was never guilty of it in the least, nor did hee ever speak of you to mee but in the termes of respect and essteeme sutable to your greate merrit. Trueth obledging me to do him this justice maks me hope that the desire I make in his behalfe will be the more easily granted, which is that your lordship will be pleased to look on him as a person that honnours you, and hath a perfeete inclination to serve you. Hee is my frende, and those that are so I can never aband[on] them but uppon the accompt of dysloyalty, which I am sure he never will be guilty of. For his excess within bars in the tyme of session, it being the privilidge of all his predecessors in his present station, I hope will be no longer refused by your lordship ; and in this I expect your satisfactory answer, and thereby prevent the trobell of a more prevailent address for obtaineeinge of it. All I shall say more is, that my resolution is to eontinue in that smooth way of kyndness and frendshipp with you, as may best approuve mee to bee, My Lord, Your lordship's most humble and most affectionett servant, Bellenden.

[II. 10]

LXXIX. EARL OF LAUDERDALE TO GILMOUR.

Whitehall, 20 *Oct.* 1664.

My Lord,—The Earl of Rothes will tell your lordship how I did concurre with him in obedience to your desire eon-

[1] William Purves of Abbeyhill, H.M. Solicitor.

cerning Mr Lockart,[1] and indeed he prest it more then I saw him doe any thing; But it eould not be at this time, not that the King had any aversion to the gentleman, But his Majcstie thoght it not handsome to have a father and a sone both on the Session. Alwayes the plaee is yet voyd. This aceount I thoght fitt to give you, That your lordship may see I shall not be wanting in what you desire, and on many aeeounts I wold most willingly have served this gentleman. But in another partieular reeommended by you I was also unfortunat, and that was in getting out Sir Thomas Nicolsons [2] name out of the fines roll. Truely I moved it, and in name of those Lords who signed the reeommendation, But eould not prevaile. Your lordship will please to give those noble lords notiee of it; And beleev that I shall ever be in the old manner, Your lordship's most affeetionat servant, LAUDERDAILL. [II. 11]

LXXX. EARL OF LAUDERDALE TO EARL OF ROTHES, LORD HIGH COMMISSIONER.

WHITEHALL, 31 *Dec.* 1664.

MAY IT PLEASE YOUR GRACE,—The Earl of Home being neeessitated to attend the King heir, Hath humbly represented to his Majestie the great prejudiee he sustaines by divers proeesses pursued against him in his absenee, And humbly desired that his Majestie wold write to the Lords of Session to grant him a delay for the remainder of this Session. The King was very willing to doe for my Lord what he ean, But because his Majestie is resolved not to breake his resolution (whieh eonstantly he hath sinee his blessed restoration observed) not to recomend any matter to the Colledg of Justiee, He hath eommanded me in his name to write to your Grace, That if fairely by privat indeavor you ean perswade a delay onely for the remainder of this Session, That you should indeavour it, to the end the

[1] Sir John Lockhart of Castlehill, eventually admitted a Lord of Session in August 1665. He was third son of Sir James Lockhart of Lee, who sat in Session as Lord Lee till 1674.

[2] Sir Thomas Nicolson of Carnock.

Earl of Home may not suffer by his attendance heir. This is all I had in command from his Majestie, In whos name this is written by, Your Grace's most humble servant, LAUDERDAILL. [II. 12].

LXXXI. EARL OF MIDDLETON TO SIR JOHN GILMOUR.

30 *Jan.* 1665.

MY LORD,—The kyndness you have ever exprest for my Lord Morton and his famelie, macks me beleeve that a letter recommending him to your care from a person so neerlie related to him as I am will not be unweilcome to you. I have writt to my Lord Morton[1] to doe nothing without your advyse, which if he doe I am shure justyce will support him. It is I know a dangerous thing to live farr remote from the helme of affairs, amongst a people apt aneugh to give provocations, and this is my Lord Mortons conditione. He heas few freends wher he nowe is, and indeed few that are able to advayse him, so that, my Lord, a letter nowe and then from you will in a great measure supplye that want. I doubt not but you will pardon this truble, since it commeth from, My Lord, Your most affectionat cosen and most humble servant, MIDDLETON. [II. 13]

LXXXII. NOMINATION BY SIR JOHN GILMOUR OF TUTORS TO HIS CHILDREN.

28 *April* 1665.

Besyde what I have sett doune in my testament of the date of these presents, I doe earnestly and humblie request his grace the Erle of Rothes, his Majestie's commissioner in Scotland, lord High thesaurer, to favour my sone and air[2] to succeed to my estate with his countenance and assistance in any thing lawfullie concernis thame, as also the right honourable the Erles of Roxburgh and Tuedale, and that

[1] William, Earl of Morton, was sheriff of Orkney and Shetland.

[2] Alexander, his nineteenth child!

the lord Registre,[1] the lord Advocat,[2] the lord Lie [3] and Whytkirk,[4] Sir Peter Wedderburne [5] and Mr Androw Oswald [6] may be assisting to my children and thair tutours in thair lawfull occasiones, being unwilling to putt any further truble upone them. The testament I declare to be but prejudice of the bands of provision I have maid to my wyfe and children in January 1664, or any uther provision I sall heirefter mak to them. I recommend to John Scott the cair of my busines, and what paines he sall tak I ordaine him to be satisfied thairof at the tutours discretion. I recommend to my deirrest wyfe the educatioun and cair not only of her daughter bot of my other children, being desyrous that such of them as conveniently can may be broght up with her at thair owne charge at the sight of the tutours. This written and subscrybit be me this 28 Apryle 1665. Jo: Gilmour. [II. 14]

LXXXIII. EARL OF LAUDERDALE TO GILMOUR.

Hampton Court, 26 *July* 1665.

My Lord,—Of your commands concerning John Lockhart [7] I hope from Salisburie to give you a good account, and therfor hast me up a formall draught of a presentation, blanck in the name, for a Lord of Session. By this bearer I had yours desiring the vacant messars [*i.e.* macer's) place for your servant. At the same time my brother put me in minde of the King's gift 4 yeers agoe past for the same place to Alexander Maitland my servant, who writes that your lordship will not merit [*sic*], but I will not take his word. Therfor if your lordship when you know this shall desire me to get the place for your servant, I shall doe it without scruple, And till I heare from you it shall

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1 Sir Archibald Primrose of Chester.
2 Sir John Nisbet of Dirleton.
3 Sir James Lockhart of Lee.
4 John Scougal of Whitekirk.
5 Sir Peter Wedderburn of Gosford, Clerk of Privy Council.
6 Clerk of Exchequer.
7 See Letters LXXIX and LXXXIV.

remaine voyd. By this you see what power your commands have with, Your lordship's most affectionat servant, LAUDERDAILL. [II. 15]

LXXXIV. SAME TO SAME.

OXFORD, 13 *Nov.* 1665.

MY LORD,—Before this come to your hands Sir John Lockhart [1] will be with you, and as in that so in what ever you command me you shall finde me readie to serv you, as I have ever profest since I knew your Lordship. It is not my custome to trouble you with sollicitations at this distance, But now I must recommend to your favor as farre as may stand with justice a busines wherin a gentlewoman is concernd who was bred with my wife and is now heir with her; It is the Lady Boghall,[2] and the process is betuixt a merchant whose name is LittleJhon, and her. I need say no more, but what favor you doe to her I shall aeknowledg it as done to, My Lord, Your lordship's most affectionat servant, LAUDERDAILL. [II. 16]

LXXXV. KING CHARLES II. TO SIR JOHN GILMOUR.

WHITEHALL, 24 *May* 1666.

CHARLES R.—Right trusty and welbeloved Councellour, Wee greete you well. Wee have twice of before written to our late Chancellour,[3] That the Earle of Bedford's cause [4] depending before you should receive all lawfull and speedy dispatch, according to the lawes of that our Kingdome; And though wee still continue our Resolution not to medle in matters of justice or the merite of causes depending, But leave them intirely to our Colledge of Justiee, yet being informed That the Earle of Bedford is to send his sonne Mr William Russell into Scotland to attend that sute, Wee do againe recommend it to you, That this bussines may

[1] See Letter LXXIX.

[2] Anna Douglas, widow of Anthony Rosewell, of Boghall, merchant in Leith.

[3] William, Earl of Glencairn, died 30th May 1664.

[4] See Letter LXXIII.

receive all the dispatch sutcable to law and justice ; for (as wee wrote formerly) Wee shalbee very sorry That our subjects of either Kingdome shall have reason to complaine of delay of justice In our other Kingdome. And so expecting your care in this, Wee bid you farewell. Given at our Court at Whitehall the 24 of May, 1666, And of our Reigne the 18th yeare, By his Majestic's command, LAUDERDAILL. [II. 17]

LXXXVI. EARL OF LAUDERDALE TO GILMOUR.

HIGHGEAT, 19 *June* 1666.

MY LORD,—You know how exactlie the King hath observed his resolution not to wryte to the Lords of the Session by way of recommendation of any caus depending before them, bot hath left all matters and causes intyrely to the Lords Justice, since I had the honor to serve his Majestie in this place ; Althoght the contrarie cours was too too frequent in the late King's tyme, as I find by multituds of letters in the registers of my predecessours in this office. Therfor I may with the greater confidence take the boldnes some tyms to recommend to your lordship's justice and favour, and to sum other of my freinds, the concerne of my neir relations when they come before you. At this tyme, my lord, I am to recommend my cousin Sir Charles Arskine and a bussines of his relating to the priviledges of his office of Lyon King at Arms. I shall not descend to the merite of the caus, beeaus I have beine but informed on the one syd ; yet in the generall I beg for all the favour can be done him in justice, And that no priveledg be taken from him which his predecessours have had, so that the office may not suffer in his persone. You know I was the instrument to get ane act of parliament reschinded concerning funeralls,[1] which a former session had granted to his predecessour, and which wold have beine of verie great proffitt to him ; and therfor I am the more ingadged to be ane earnest solicitour in the other concerns of his office. I shall say no more, becaus I

[1] *Acts of Parliament*, vii. 404 (1662), rescinded vii. 458 (1663).

know you will doe him all the kyndnes you can, seing he is so neirlie related to and so much valued by, Your lordship's most affectionate servand, LAUDERDAILL.

[II. 18]

LXXXVII. EARL OF ROTHES TO GILMOUR.

31 *July* 1666.

MY LORD,—I have prevailed with the Ladie Marques of Huntly [1] to accept of that proposall of 40,000 li., and to sie the bussines put to a cloose. She stayes heir all this day; and this beeing the last day of the Session I shall disire your lordship may doe what is posibill to prewill with Southesk to imbrace that soume. You know how much I concerne my self in this afaire, and therefor shall not doubt your cair and dilligence in it, which will not only be good service to the hous of Huntly, but an high obligation upon, My Lord, Your humble servant, ROTHES. [II. 19]

LXXXVIII. EARL OF LAUDERDALE TO GILMOUR.

WHITEHALL, 15 *Oct.* 1667.

MY LORD,—I was gladc to heare that the troublesome proces betuixt the late Earle of Carnwath's relict [2] and this Earl of Carnwath [3] was amicablie composed, but am sorrie to be informd that there is a stick in it. Doctor Colins alledges that my Lord Carnwath will not stand to the determination, And will doe nothing; On the other side it is alledged that they will submitt to the summe (thogh it be almost a ruine), but they desire terms of payment. I have spoke with the Doctor, and findc him so confident and so peremptorie that there is no dealing with him. Now it is a hard casc that this Doctor should absolutely ruine that family which sufferd so much for the King, he having

[1] See Letter LXXIV.

[2] Katherine Abingdon, widow of Robert, 1st Earl of Carnwath, married afterwards Samuel Collins, M.D.

[3] Gavin, 2nd Earl of Carnwath, suffered great losses during the Commonwealth.

maried the widow who broght no portion; Therfor I beseech your lordship contribute what you can to their freindly setling, and let not the Doctor so runne away with the harrowes as not to hearken to reason. Procure a meeting againe of those who trysted it, and make them to agree before the proces be broght on againe. This is ane act of charity; You know my neir relation to my Lady Carnwath; You and I trysted the mariage, prevent their ruine, By which you shall save the King from further trouble on either side, and very much oblige, Your very affectionat servant, LAUDERDAILL. [II. 22]

LXXXIX. SAME TO SAME.

WHITEHALL, 12 *May* 1668.

MY LORD,—I ask your pardon that I did not sooner return answere to your Letter of the 5th of March, and hope to obtaine it easily; Seing I was sure, God willing, to answere it time eneugh before the next Session. In the first place, It was not possible for me to get you the practise of the Admirality of England, much less of other nations, For here in England the Decrees of the high Court of Admirality are subject to appeals to select Commissioners authorized under the Great Seall (of which number I have had the honour to be one all this war), And wee doe frequently reduce their Decreets; So that the practise of the Admirality here cannot be a Rule to your Lordship, much less that of other Dominions, of which I cannot possibly give you any account. The Admirall Courts in all nations walk by the Rule of the Maritime Laws; Civill Lawyers plead before them even here; yet all have their particular Customs, and so I doubt not but wee have in Scotland. As to this war, the King's Declarations are the Rule of the Admirality here, together with the particular Treaties which the King hath made with Sweden and Flanders, which are to be punctually observed. I shall not presume to give a private opinion in the cases you propose; But this I may say, where the Treaties with Sweden does not particularly alter the Case, I am clearly of opinion wee ought to

proceed according to Justice and our oun practise. If you have not all the Treaties with Sweden, I shall send, upon advertisement, what you want. Before I receavd your last Letter, the King had disposed the late vacancy in the Session to Sir Peter Wedderburne,[1] who I am confident will discharge it very well. I have no more to adde, but that I am, My Lord, Your lordship's very affectionat servant, LAUDERDAILL. [II. 23]

[1] Of Gosford: admitted 17th June 1668, and sat as Lord Gosford.

LETTERS

TO

JOHN MACKENZIE OF DELVINE

ADVOCATE, ONE OF THE PRINCIPAL CLERKS OF SESSION

FROM

THE REVD. ALEXANDER MONRO, D.D.

SOMETIME PRINCIPAL OF THE UNIVERSITY OF EDINBURGH

1690 to 1698

Edited by

WILLIAM KIRK DICKSON,

LL.D., ADVOCATE

INTRODUCTION

THE following letters were addressed to John Mackenzie of Delvine, Advocate, who from 1686 to 1718 was one of the Principal Clerks of Session, by the Rev. Dr. Alexander Monro, sometime Principal of the University of Edinburgh. They form part of the large collection of Mackenzie papers, formerly at Delvine, which were bought in 1918 from Lady Muir-Mackenzie, widow of Sir Alexander Muir-Mackenzie of Delvine, third baronet, by the late Mr. W. R. Reid of Lauriston Castle. They came into the National Library of Scotland (formerly the Advocates' Library) in 1926, along with the rest of the Lauriston library, by the bequests of Mr. and Mrs. Reid.

The Delvine papers have a somewhat curious history. They lay for many years in a cupboard, the door of which had been papered over and lost to sight, and their existence was forgotten. Their presence was accidentally discovered by Lady Muir-Mackenzie's butler shortly before she finally left Delvine.

John Mackenzie, the recipient of the letters now printed, was the third son of Sir Kenneth Mackenzie of Coul, first baronet. He was admitted to the Faculty of Advocates on December 20, 1681. He prospered in his profession, and in 1686 he was appointed one of the Principal Clerks of Session. In 1697 he purchased the barony of King's Cramond in Midlothian, and in 1705 he acquired the large estate of Delvine in Perthshire, near Dunkeld. He married (firstly), in 1684, Isabel Lentron of Kincaple, in Fife, by whom he had no children, his wife having died within six

weeks of the marriage; (secondly) in the same year, Katherine Gordon, by whom he had an only son, George Mackenzie, born in 1685, who was admitted advocate in 1710, and died in 1766; and (thirdly) Margaret, daughter of Thomas Hay of Alderston, East Lothian, by whom he had fourteen children. Her eldest son Alexander, born on February 8, 1695, became a Writer to the Signet (admitted December 13, 1714), was appointed one of the Principal Clerks of Session on his father's resignation, April 16, 1718, succeeded to Delvine in 1731, and died in 1738. He sold the estate to his brother John (born in 1709). Alexander's daughter Margaret married, April 21, 1762, George Muir of Cassencary, Principal Clerk of Justiciary, and became the ancestress of the family of Muir-Mackenzie. Her eldest son, Alexander Muir, succeeded to Delvine on the death of his grand-uncle John Mackenzie without issue in 1778.[1]

Mackenzie's correspondent, Dr. Alexander Monro, was the well-known Principal of the University of Edinburgh who was removed from his office in 1690, after the Revolution. He was a son of Hugh Munro [2] of Fyrish in the parish of Alness, Ross-shire, a descendant of the house of Foulis. Educated at St. Andrews, he was in 1673 appointed minister of the second charge at Dunfermline. He was translated to Kinglassie in 1676 and to Wemyss in 1678. In 1682 he was made a D.D. of St. Andrews, and in the same year became Professor of Divinity in St. Mary's College. On December 9, 1685, he was appointed Principal of the University of Edinburgh. On the same day he was nominated by the Town Council to

[1] John Philp Wood's Genealogical Notes, National Library, Advocates' MSS. 37.2.7; Burke's *Peerage*.

[2] Alexander was the first of the family to spell his name Monro. The account of his earlier life and the notes regarding his family given in the text are taken chiefly from Alexander Mackenzie's *History of the Munros* (Inverness, 1898).

the Second or Collegiate Charge of the High Church of Edinburgh (St. Giles's), to which he was inducted on December 30 by Dr. John Paterson, Bishop of Edinburgh.

In Edinburgh he spent five happy and prosperous years. In his *Presbyterian Inquisition*, written in 1691,[1] when the evil days had come, he recalls the golden time. 'When the government of the City of Edinburgh was lodged in the hands of the first and best order of citizens and gentlemen; the Masters of the College had all the encouragement that they themselves could wish; They lived in all tranquillity and freedom during the administratioun of Sir Magnus Prince[2] and his predecessor, Sir Thomas Kennedy:[3] They made it (both of them) their business to preserve the order, fabrick and revenues of that House; they omitted no occasion of supporting the honour and reputation of its masters. . . . The countenance of the Magistrates and their generous inclinations to propagate learning did so secure and guard the Professors against the little efforts of censorious and talkative Fanaticks, that they could not contrive how to be more happy in their stations: For these gentlemen knew what an ornament their University was to the City and whole Kingdom, how necessary freedom, contentment and retirement are to the attainment of learning: and therefore they were so far from vexing and disturbing them that they heaped upon them all marks of honour and regard.'

In 1688 Monro was nominated for the bishopric of Argyll, but he was never consecrated. The Revolution which was to wreck his fortunes was at hand.

On April 24, 1689, Monro resigned his charge in the High Church of Edinburgh, having refused to pray for

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[1] See p. 202 *infra*.

[2] Sir Magnus Prince, merchant and brewer of Edinburgh, Lord Provost 1687 to 1689.

[3] Sir Thomas Kennedy of Kirkhill, Lord Provost 1685 to 1687.

William and Mary in obedience to the Act of the Estates passed on April 13.

By an Act of July 4, 1690, a Commission was appointed for the visitation of universities, colleges, and schools. There were in all eighty-three visitors, who composed four committees. Their powers were very ample.

The records of the Commission are preserved in the Register House. The proceedings of the Edinburgh Committee are described in detail and with vigorous comment in Monro's *Presbyterian Inquisition*. They are summarised as follows in Arnot's *History of Edinburgh*. The summary does not profess to be impartial.

'From such specimens,' says Arnot, 'of their conduct in a visitatorial capacity as we have been able to discover, we are entitled to say, that these parliamentary visitors proceeded with great violence and injustice.

'Proclamation was made, and printed edicts at the Cross and College gates of Edinburgh and at Stirling, Haddington, etc., etc., charging the principal and professors of the University and schoolmasters in the city of Edinburgh, and in the neighbouring shires to appear before the committee of visitors on the 20th of August ensuing, to answer upon the points contained in the act of parliament: *Also summoning and warning "all the lieges who have anything to object against the said principal, professors, etc., to appear before the said committee the said day and place, to give in objections," etc.* After an edict, which bespoke that the country, although it had been subjected to a revolution, had not acquired a system of liberty, nor the rudiments of justice; after an invitation, so publickly thrown out by the commissioners of parliament, in a nation distracted by religious and political factions, it is not to be supposed that *informers* would be wanting.

'The committee met at Edinburgh on the day appointed. Sir John Hall, the Lord Provost, sat as preses. After

adjourning his trial for eight days, they brought before them Doctor Alexander Monro, Principal of the University. Sir John Hall addressing him bid him answer to the different articles of his indictment, and immediately turning to the clerk commanded him to read them aloud. To the two first articles (one of which was that he had renounced the protestant religion) the Principal answered extempore. But, when he found the clerk proceeding with a long roll of he knew not what, he complained of proceedings so unjust and illegal, desired to know his accusers, and be allowed time to prepare his defences. He was accordingly furnished with a copy of the information against him, which he found had not been subscribed, and indulged with a few days to give in answers to the charge. Having lodged his answers, which contained an acknowledgment of certain immaterial articles laid to his charge, and denial of the rest, he was asked by the Commissioners, If he was willing to take all the tests, religious and political, lately imposed by law? To this, having answered in the negative, a sentence of deprivation was passed upon him, in which his acknowledgment of certain articles charged against him, and his refusal to embrace the different formulas prescribed, were blended together as the grounds of the sentence.' [1]

Monro was dismissed from office because he was an Episcopalian and a nonjuror. Some of the minor charges against him were that he had used the English Liturgy within the gates of the College (which seems scarcely consistent with the suggestion that he was a Papist); that he had removed portraits of the Reformers from the College Library on the occasion of the visit by the Chancellor, the Earl of Perth (the temporary removal, on the advice of the Provost of Edinburgh, Sir Thomas Kennedy, was admitted); that he had rejoiced at the

[1] Hugo Arnot's *History of Edinburgh* (Edinburgh, 1779), p. 393.

news of Killiecrankie ; and that he had sworn at a rowdy student (Monro denied the damn). The story may be read at length in the *Presbyterian Inquisition*.[1] Along with Monro were expelled Dr. Strachan, Professor of Divinity ; Douglas, Professor of Hebrew ; Burnet, Regent of Philosophy ; and John Drummond, Regent of Philosophy. The dealings of the Committee with these and other academic personages are described by Professor R. K. Hannay in an article (based on the Committee's own minutes), 'The Visitation of the College of Edinburgh in 1690,' in the *Book of the Old Edinburgh Club*, vol. viii. pp. 79-100.

Monro's deprivation took place on September 20, 1690. Shortly afterwards he went to London, where he spent the remaining years of his life, engaged chiefly in writing controversial books and pamphlets. The following is a list of his works :—

An Advertisement. By *A. M.*, D.D. [Denying the authorship of a pamphlet, entitled 'The charge of Socinianism against Doctor Tillotson etc.' No title-page.] 4to. n.p. [1691].

Presbyterian Inquisition, as it was lately practised against the Professors of the College of Edinburgh, August and September 1690, In which, the Spirit of Presbytery and their present Method of Procedure, is plainly discovered, Matter of Fact by undeniable Instances clearcd, and Libels against particular Persons discussed . . . [*Anonymous.*] 4to. London : Printed for *J. Hindmarsh* at the *Golden-Ball* in Cornhill. 1691.

A Letter to a Friend, Giving an Account of all the Treatises that have been publish'd, with Relation to the Present Persecution against the Church of Scotland. . . . [*Anonymous.*] 4to. London, Hindmarsh, 1692. [Contains original statements as to the 'rabbling' of Episcopal clergymen, etc.]

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[1] See also Sir Alexander Grant's *Story of the University of Edinburgh* (Edinburgh, 1884), vol. ii. p. 256.

A Collection of all the Acts of Parliament with Publick Papers and Declarations relating to the Clergy and Ecclesiastical Affairs within the Kingdom of Scotland since the Revolution. [*Anonymous.*] 4to. London, Hindmarsh, 1693.

An Apology for the Clergy of Scotland. Chiefly opposed to the Censures, Calumnies and Accusations of a late Presbyterian Vindicator [Gilbert Rule] in a Letter to a Friend, Wherein his Vanity, Partiality and Sophistry are modestly Reproved, and the Legal Establishment of Episcopacy in that Kingdom, from the Beginning of the Reformation, is made evident from History and the Records of Parliament, Together with a Postscript, relating to a Scandalous Pamphlet, [by George Ridpath], Intituled An Answer to the Scotch Presbyterian Eloquence. [*Anonymous.*] 4to. London, Hindmarsh, 1693.

Sermons preached upon Several Occasions : (Most of them) Before the Magistrates and Judges in the North-East-Auditory of S. Giles's Church, Edinburgh. By Al. Monro, D.D. (Then) Principal of the College of Edinburgh. 8vo. London, Hindmarsh, 1693.

The Spirit of Calumny and Slander Examin'd, Chastis'd, and Expos'd, in a Letter to a Malicious Libeller, more particularly address'd to Mr. George Ridpath, Newsmonger, near St. Martins in the Fields, containing some animadversions on his Scurrilous Pamphlets, Published by him against the Kings, Parliaments, Laws, Nobility and Clergy of Scotland. Together with a short account of Presbyterian Principles and Consequential practices. . . . 4to. London, Hindmarsh, 1693.

A Letter to the Honourable Sir Robert Howard, Occasioned by a late Book, Entituled A Two Fold Vindication of the late Archbishop of Canterbury, And of the Author of the History of Religion. By Al. Monro, D.D. 4to. London. Printed for E. Whitlock near Stationers-hall, 1696.

An Enquiry into the New Opinions (Chiefly) Propagated by the Presbyterians of Scotland. Together also with some animadversions on a late Book, Entituled, *A Defence of the Vindications of the Kirk.* In a

Letter to a Friend at Edinburgh. By *A. M.*, D.D. 8vo. London: Printed for Walter Kettilby, at the Bishop's Head in St. Paul's Churchyard, 1696.

A Short Account of the Reformation, In which, from History and the Records of Parliament it is plainly proven, That *Episcopacy* was the first legally established Church Government in *Scotland*, In which also the first Rise of *Presbytery* is accounted for. Written by the late Reverend and Learned Dr. Alexander Monro. 8vo. Edinburgh: Printed for John Ramsay and are to be sold at his House, within the Foot of the College-Wynd 1719. (Price Two Pence.)

The letters to John Mackenzie, now printed, cover the period of Monro's life in London, from 1690 till his death in 1698. The most interesting of them historically are those which give us a glimpse of the last days of Sir George Mackenzie of Rosehaugh, the former King's Advocate, 'that famous wit of Scotland,' as Dryden called him, the 'Bloody Mackenzie' of Covenanting tradition—remembered in the Parliament House as the lettered and philosophic Dean of Faculty to whom Scotland owes the Advocates' Library. After the Revolution, in September 1689, Sir George Mackenzie went to Oxford. He was admitted as a student in the Bodleian on June 2, 1690. Mr. Andrew Lang writes: '*Deus nobis hæc otia fecit*, Mackenzie may have murmured to himself in the uninvaded peace of the gardens of Magdalen or St. John's, in the crystal October days. . . . One loves best to think of Mackenzie in a nook of the Bodleian, by a window where the sun shines fair on Exeter gardens; or in that ancient library of Merton, with the green Christchurch meadows beneath; or limping with a friend along the Broad Walk, shadowed by the elms that then were young; or musing on what his life might have been, beside the still grey waters of the Cherwell.' In the spring of 1691 Mackenzie went to London. There he became seriously ill, and on May 9 he died in his rooms in St. James's

Street. On March 5, Monro writes to John Mackenzie, 'Your Cousin Sir George Mackenzie is much better than he was in the beginning of the last week.' Again, on the 24th, 'Sir George fears nothing now but an hydropsy. I pray God direct them that have the conduct of his body. I am very sure he takes extraordinary care of his soul himself, and by the tranquillity of his mind, seems rather to be in the fruition of Heaven than on his journey towards it, and his eloquence, that was formerly employed in exposing what was dangerous to Justice and human Society, declaims now against the vanities of this world and all its trifling interests, and he seems to hear nothing with so much relish and attention as the things that prepare us for Immortality, and the Clergymen come near unto him as to their instructor and teacher, tho' he use all of them with that tenderness and regard that becomes the servants of the Living God.' Again, on March 31, 'The enclosed letter is for Mr. Simon Mackenzie, Sir George Mackenzie's nephew. I have written it at his desire to give him an account of the dangerous and uncertain condition his Uncle is in, notwithstanding we had good hopes of him lately. I had seen you before now but that he is in that condition that I cannot leave him. You know he was my old and stedfast friend, and if in his great calamity I can serve him to any purpose it is but very far short of what I owe him.' In May, after Sir George's death, he writes: 'None will blame me that I am a little dull after the public and irreparable loss of our great friend.' [1]

Naturally Monro, as a pamphleteer and a Jacobite, was suspect by the authorities. In a letter of February 25,

[1] Here is the other point of view: 'After the persecuting work was over, he (Sir George Mackenzie) went up to London where he died with all the passages of his body running blood (like Charles IX. of France, author of the Paris massacre). Physicians being brought, could give no natural cause for it, but that it was the hand of God on him for the blood he had shed

1693, he gives a lively account of how his house was raided by a messenger and a constable, with two men, under an order from Secretary Johnston,[1] and his papers seized. 'I was disturbed and vexed exceedingly. My wife and children were frightened. The noise ran up and down as much as if I had been convicted of high treason. Upon Saturday the 18th my papers were carried to Whitehall, and there examined and canvassed by a Committee of the Council, but there was nothing found in them upon which any enemy of mine could fix his teeth. . . . I do assure you, that when they have teas'd them a hundred times over, they'll sooner meet with a Camel and a load of cheese, than any thing that borders upon the State.' Long afterwards, in 1697, he met Secretary Johnston in private society, 'at a certain Lady's lodging,' and apparently spoke to him with great frankness.[2] In 1696 Monro got into more serious trouble, and was imprisoned for some months. 'I hope you will believe,' he writes on June 30, 1696, 'that the unfortunate are not always the most criminal, and that the train of disasters which made my life so calamitous since the first of March last is not to be imputed so much to any fault of mine as to the implacable malice of others: and because they can do nothing but vex me, they are resolved to continue my trouble as long as is possible for them; and perhaps their being defeated in what they intended (as to some parts of

in his own land.' *The Judgement and Justice of God Exemplified, or, A Brief Historical Account of the Wicked Lives and Miserable Deaths of some of the most remarkable Apostates and bloody Persecutors in Scotland from the Reformation till after the Revolution.* . . . Appendix to the *Scots Worthies*, 3rd ed., Edinburgh, 1796. This Appendix is omitted in modern editions. See also the prophecies of Mr. Daniel (or Donald) Cargill, in Patriek Walker, *Six Saints of the Covenant* (Edinburgh, 1901), vol. ii. p. 10 and notes, and Wodrow's *Analecta*, Maitland Club, 1842, pp. 212, 315.

[1] James Johnston, 'Secretary Johnston,' son of Archibald Johnston of Warriston. Secretary of State in Scotland, 1692 to 1696, Lord Clerk Register, 1704-5, died 1737.

[2] See Letter No. 65, p. 282.

their cruelty) is a greater mortification to persons of their pride and insolence than my tedious imprisonment hath been to me. If the Habeas Corpus Act had not been suspended, I had been at liberty before now: but as things stand (having no great friends to recommend my affair) I am very uncertain whether I can get out before the month of September next.' He was liberated before long, but in the following November he writes: 'For three months I enjoyed some rest and quietness, after the 30 of July last, but upon the tenth of November instant I was summoned to appear before the Justices at Westminster in order to be prosecuted by virtue of an Act of Parliament against such as have not taken the Oaths. I am not the only man here that may be afraid of that Act; many are in my circumstances: and we are in good hopes that their fervor may abate.' It apparently did abate, and nothing seems to have come of the prosecution.

Dr. Monro's loss of his Principalship had reduced him to poverty, and during all his time in London he was in very narrow circumstances. John Mackenzie helped him steadily, not only by generous remittances of money, but by looking after his affairs in Scotland and helping him in his endeavours to obtain either some ecclesiastical settlement or a pension. In March 1693 Monro writes: 'You are so much accustomed to do me kindnesses that the renewing them again (most probably) will be your only reward.' Apparently in 1693 he was successful in obtaining an allowance charged on the stipend of the parish of Meigle.

His chief anxiety was for the future of his children. 'Next to the preserving of life,' he writes in March 1695, 'I would gladly endeavour the education of the two young ones that remain. I am in hopes to get Jamy into one of the Publick Schools of Eaton or Winchester.' Again he writes in January 1696: 'That which kept me here so long,

was the hope of disposing of my son to the best advantage ; but that seems to fail me at present ; and the plain truth is, nothing tortures me more than that I was not able to give him that education which was agreeable to my inclination and his capacity ; for no private endeavours are equal to the Publick Schools : however I hope it is not yet past recovery.' Jamy, as we shall see, did well in the world.

Through all his controversies and troubles, Monro never lost his love of humane letters. His letters to Mackenzie are full of allusions, evidently addressed to a sympathetic recipient, to events in the world of learning—the printing of Petronius Arbiter, the appearance of Dacier's translation of Tacitus, the Oxford Thucydides of 1696, and so forth. In September 1695 he notes that ' Mr. Dryden is a translating of Virgil.' Of Virgil he writes : ' I am very sure that the Roman Poet had a better title to the Spirit of God than many others that pretend to a *Jus Divinum*' ; and of Dacier's version of Marcus Aurelius, ' I am apt to think that some chapters in it have a greater tendency to promote virtue, and the contempt of the world, than most of the Sermons that are preached by narrow and factious spirits.' One of the chief trials of his poverty was the prospect of having to sell his books : ' I would at least be as kind to them as Polyphæmus was to Ulysses '—when he promised that Ulysses should be devoured the last of his comrades.[1]

In the winter of 1697-8, Monro was in failing health, and was nearing the end. His last dated letter was written on April 9, 1698. There is one more letter, dictated, and neither signed nor dated, telling Mackenzie of his sad condition of illness and pain, and full of gratitude for ' your unparalleled kindness and friendship for me.' It is endorsed by Mackenzie, ' From my dear dying Doctor Monro.'

[1] *Odyssey*, ix. 369.

The Doctor died in the summer of 1698; the exact date does not appear.

Alexander Monro married, first, on May 6, 1673, Anna Logan, a native of Aberdour, who died on May 16, 1674, and secondly, on April 11, 1676, Marion Collace, daughter, it is believed, of the Rev. Andrew Collace, minister of Dundee from 1635 to 1639. By her he had eight children, of whom only two, James and Elizabeth, survived early youth. Mrs. Monro survived her husband for seventeen years. In 1715, on the recommendation of Bishop Alexander Rose, the last of the old Bishops of Edinburgh, she petitioned the Barons of Exchequer in Scotland for 'assistance in her extreme poverty,' and apparently obtained a small pension. Mackenzie continued to befriend her. Among his papers there are nine pathetic ill-spelt letters of hers to him, telling of her money troubles, her difficulty in paying her son's college fees, and her gratitude to her unfailing benefactor.

Elizabeth Monro married her cousin Captain George Paplay. James prospered in life. He went up to Balliol in 1699, graduated B.A. in 1703, M.A. in 1708, and M.D. in 1712. He afterwards practised as a physician, first in Greenwich and afterwards in London, became Physician to Bethlehem Hospital, and was admitted a Fellow of the College of Physicians in 1729. He married in 1707 Elizabeth, only child of Thomas Hay, Solicitor in Chancery, and had ten children. He died at Sunninghill, Berkshire, in 1752.

I desire to acknowledge with thanks the help which I have received in editing these papers from the staff of the National Library, and from Mr. C. T. McInnes of the Register House.

WILLIAM K. DICKSON.

LETTERS FROM THE REV. DR. ALEXANDER MONRO TO JOHN MACKENZIE OF DELVINE

I

1690 to 1692

1. From Dr. Monro.

London, 13 November 1690.

Sir,

I had not given yow this trouble bot to let yow see I do not neglect yow at this distance. I canot give yow any news nor can I make a good apology why I should put yow to the trouble of reading trifles. I intend for Scotland sooner then I designed when I left yow. Ye will do me the kindnesse to wait upon my Lord Glasgow [1] and show him I wold write as oft as he please if I knew how to get it to his hands without being broken up. The bishops of England say they can by no means medle with Scots affairs nether do they regard any Scots man: it may be they have prospect of ther own trouble near hand. I delyvered my Lo[rd] Tarbats [2] letters: they put off all

[1] John Paterson, Bishop of Galloway 1674, Edinburgh 1679, Archbishop of Glasgow 1687, died 1708. As Bishop of Edinburgh he inducted Monro to the High Church. He was an extreme supporter of the ecclesiastical policy of the pre-Revolution Government. He was banished from Scotland before 1695, but was restored under Queen Anne. His personal character was virulently attacked by his opponents, in particular by George Ridpath in his Answer to the *Scotch Presbyterian Eloquence*. In replying to Ridpath, Dr. Monro says, 'the world is not so besotted as to think that the Archbishop needs particular answers.'

[2] George Mackenzie, born 1630, Lord Justice General 1678, Lord Clerk Register 1681, Viscount Tarbat 1685, Earl of Cromartie 1703, died 1714.

Scots men with utopian offers in Ireland. For my part I never sought any thing of any of them. Yow may let fall to Alexander Monro [1] that I am well in health at present and he will tell my wif. Yow may tell my Lord of Glasgow that the affair he recomended may be acomplished bot I think not in the method he first proposed: for the bishops here are very remisse if not averse to any thing of that nature. I hope my Lord Tarbat will excuse I do not write becaus I know not what to trouble his Lo[rdship] with. Langtoun [2] is at liberty to go to France in exchange of another gentleman. I wish yow all health and happinesse. This is from

Your

Al: Monro.

Addressed: For Mr John McKenzie one of the Clerks of Session at his lodgings in Edenburgh Scotland.
Holograph.

2. From Dr. Monro.

London, March 5 1691.

Sir,

I thank yow heartily for your kind letter of the 7th of February. I return'd no answer to it till now for three reasons, the first whereof is, that I got not a sight of it till yesterday. My wife can give a more compendious address when your kindness will prompt yow to let me have another. If the other two reasons for delaying my answer be necessary, yow shall be acquainted with them, when I have the happiness to see yow. The Court is

[1] Probably Alexander Monro, writer, afterwards Provost of St. Salvator's College, St. Andrews, died 1697. He was a friend and correspondent of Mackenzie's.

[2] Archibald Cockburn, younger of Langton, admitted advocate 1686; married, 1684, Elizabeth, daughter of Sir George Mackenzie of Rosehaugh; died 1702. He was suspected of treason and was examined before the Privy Council on November 26, 1689. *Calendar of State Papers*, Domestic, 1689.

expected here very shortly from Holland,[1] the Conclave is as much taken up now, as the Commission of the Kirk, the occurrences here have nothing in them new. I have heard twice from Dr. Canaris [2] since he went for Holland. He is sufficiently aequainted with all the great men about the Court. All things (I can hear) look towards a Dutch Presbytery, by which the Ministers shall be disarm'd a litle of their fiereeness, and the present Model of Presbytery in Scotland quite varyed from its Original and Primitive (but very late) institution. Your Cousin Sir George Mackenzie [3] is much better than he was in the beginning of the last week. My wife wrote to me about the thousand merks that is in the Touns hands. I am very well pleas'd that yow and Mr John Monro transact with the old contentious woman,[4] and let her have her annualrent, but secure the thousand Merks to me and mine in fie and interest efter her deceasc. I think this may satisfye her, all things consider'd, and the unworthy tricks she put upon me, but I doe not incline that it should lye any longer in the Touns hands at least not without their bond. I had several letters from My Wife lately, but no particular

[1] King William III. went to the Hague in January 1691.

[2] James Canaries, D.D., St. Andrews, Minister of Selkirk 1685 to 1691. Previously a Roman Catholic, he was the author of a sermon against Popery which incidentally led to the deprivation of Alexander Cairncross, Archbishop of Glasgow. Cairncross highly offended King James VII. and the Chancellor, the Earl of Perth, by refusing to take notice of the sermon until it had been published in London. Canaries afterwards became Rector of Abington, Cambridgeshire, where he died (*Fasti Ecclesiae Scoticanae*, ii. 194). 'Towards the end of 1690, just as he was preparing to embark for Holland, William was waited upon by two representatives of the Episcopal clergy, Canaries and Leask. . . . These envoys were invited to follow him abroad; and in February 1691 he wrote from the Hague to the Commissioners of Assembly directing them to receive all Episcopal ministers who were willing to conform, to depose no more incumbents till he should give them leave, and meanwhile to revise any sentences of deposition which might be complained of as unjust' (Mathieson, *Politics and Religion in Scotland, 1550-1695*, vol. ii. p. 367).

[3] Sir George Mackenzie of Rosehaugh. He was the eldest son of Simon Mackenzie of Lochslin, Ross-shire, brother of George Mackenzie, second Earl of Seaforth, and so was a distant cousin of John Mackenzie.

[4] Apparently this lady was Mrs. Logan, mother of Anna Logan, Monro's first wife. See Letter No. 38, p. 253 *infra*.

accoount to what degree she and her children are recover'd to their health from their late indisposition, but I hope yow will deal frankly with me, and let me know without any disguise how they are. This is from

Your affectionat Cousin and humble servant

AL: MONRO.

Mr Croquet at Mr Fawnses at the Whyt Baire near Billingsgat London.

Endorsed: From Doctor Monro.

3. FROM DR. MONRO.

London, March 24 1691.

SIR,

I was very seasonably refresh'd with the sight of your last, of the 11th instant. I have been for some time very anxious to know how my little ones at Edinburgh have been in health. It is not so very manly and Philosophick to be thus concern'd, especially when it is attended with many other weaknesses nearly related to that imperfection, so that I cannot say *huic uni forsan potui succumbere culpæ*.[1] I have wrestled to get in this one sentence of Virgil to recommend me to your favour, for I feel my self already in possession of your kindness, and should say more of it if my silence did not confirm yow more in the good thought yow may possibly have of me. All of us here are extraordinary troubled for the unhappy accident the Master of Tarbet fell into,[2] and so much the more that it cannot but wound the Father to

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[1] *Aeneid*, iv. 19.

[2] In March 1691 John Master of Tarbat, afterwards second Earl of Cromartie, had got into serious trouble. He was concerned in the death of Elias Poiret, Sieur de la Roche, a French Protestant refugee and gentleman of the King's Guard, who was killed in a scuffle in a vintner's in the Kirkgate of Leith on March 8. The Master was indicted for murder, but was acquitted. The story is told at length in Sir William Fraser's *Earls of Cromartie*, vol. i. p. cxcvii *et seq.*

the Center of his heart. Sir George [1] fears nothing now but an hydropsy. I pray God direct them that have the conduct of his body. I am very sure he takes extraordinary care of his soul himself, and by the tranquillity of his Mind, seems rather to be in the fruition of heaven, than on his journey towards it, and his eloquence that was formerly employed in exposing what was dangerous to Justice and human Society declaims now against the Vanities of this world and all its trifling interests, and he seems to hear nothing with so much relish and attention as the things that prepare us for Immortality, and the Clergymen come near unto him as to their instructor and teacher, tho' he use all of them with that tenderness and regard that becomes the Servants of the Living God. This is a digression which can never be impertinent to one that is in the midst of worldly incumbrances, to Live in it, and not to have our Garments sullyed by it, is truly great and generous.

There are no news here but such as come from Scotland. The King is at Brussels, and it is uncertain when the Court returns hither. If yow chance to see my Wife I expect yow will tell her, that I am very angry at her that she did not change her lodging immediately when she found her present dwelling cold for her children. Excuse this drudgery I put yow to, but friendship knows no niceties of distance and ceremony. This is from

Dear Sir

Your affecionat Cousin and Servant

Al: Monro.

My most humble duty to My Lord and Lady Balkasky.[2]

Addressed: For Mr. John Mackenzie one of the Principal Clerks of Session, Edinburgh, Scotland.

Endorsed: From Doctor Monro.

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[1] See Introduction, p. 205.

[2] Sir Thomas Stewart of Blair; appointed an ordinary Lord of Session in 1683; took his seat as Lord Balcaskie; one of the representatives of Fife in the Parliament of 1685; Lord of Justiciary 1688; deprived of office at the Revolution.

4. From Dr. Monro.

Kensington, 31 March 1691.

Sir,

The enclos'd letter is for Mr Simon McKenzee Sir George McKenzee's Nephew. I have written it at his desire to give him an account of the dangerous and uncertain condition his Uncle is in notwithstanding we had good hopes of him lately. I had seen yow befor now but that he is in that condition that I cannot leave him. Yow know he was my old and stedfast friend and if in his great calamity I can serve him to any purpose it is but very farr short of what I owe him. I am very much obleidged to yow for your care of my triffling business but it puts yow perhaps to greater trouble than if it were of greater consequence but it is no surprize to me for I think yow follow your own inclination more than the importunity of any body. This place swarms with Pamphlets of all sorts. When the press is so licentious it is no good symptom of peace. I hear the people with yow in Scotland is likely to be as unruly on the one side as they have been on the other. The Temple was built without that noise. I have heard when the tumults were fashionable in Scotland and about Edenburgh that one of your Ministers preaching upon that text off the Hebrews I will shake the Heavens and the earth did from that place justifie such irregular commotions of the people. It is very sad that we who are Ministers whose very imployment it is to subdue our own passions and to teach others to doe so should thus burlesque the holy Scriptures. If the Presbyterians in Scotland did counterfeit Christianity, they might be tolerated in Christian States and Commonwealths, but when they display a standart for all things that are diametraly opposit to it men need not be catcht by their fooleries. The K[ing] of France is become terrible enough and it is not very desirable for Christendom that he grow greater than he is. The divisions in Britain strenthen his hands. The publick confusions are like to bring on yet

sadder consequences then we have seen. Yow know severall of your friends were accused to have been Papists but if it come to the tryall which God forbid they are as like to suffer under another revolution as they did by the late. It is an advantage to be acquainted with suffering, takes downs the swellings of pride and vanity which perhaps creeps as neer that altar as any other place or Kings palaces. If they who have sufferd recieve the advantage of a clearer sight into the vanitys of the world they are gainers not loosers. When men come to dy it will appear great foly that they have justled one another so violently for what is so unfix'd and unsatisfying. I was going to give a larger account of the Sectarian Religion and its many mischievous effects at present in Britain *sed præstat motos componere fluctus* [1] quhen our storms are very high. God only can lett us see the haven. Farewell.

Unsigned.

Addressed: For John McKenzee One of the Principall Clerks of Session at Edenburgh Scotland.

Endorsed: From Dr. Monro.

5. From Dr. Monro.

London, April 9 1691.

Sir,

I return yow my most humble thanks for your last. I lately had a letter from my Cousin Mr Denune [2] by which I heard of your welfare. I am very glad he stands his ground. It is no wonder that Scotland be all on fire when Europe is in a flame. K[ing] William is expected here very speedily and then it is like the Parliament will meet. Your Church shall have no face untill the wars be at an end. I have not heard from Doctor Canaries this

[1] *Aeneid*, i. 135.

[2] William Denune, second son of Norman Denune of Catbole by his wife Catherine, daughter of Sir Hector Monro of Foulis; born 1656; minister of Second Charge, Haddington, 1683; of Pencaitland 1685; died January 27, 1704.

good while. There is a rumor going here this night that the Bishop of London [1] coming from Holland was taken by a French privateer but I hope it is not true for he is a very stedfast friend to our Countrey men and made many other considerable persons of the same inclinations with himself especially the Marquis of Carmardane [2] and the E[arl] of Nottingame.[3] I have enclosed here a line to my wife which I hope yow will be pleased to send with your boy. I shall see yow shortly. I pray God preserve yow in health and happiness. This is all at present from

Your affectionate Cousin and Servant

AL: MONRO.

Endorsed: From Doctor Alexander Monro.

6. FROM DR. MONRO.

Mai 1691.

SIR,

I did let two or thre posts go of without writing to yow of Sir. Georges death. In this I consulted my ease more than my duty and I hope none will blame me that I am a litle dull becaus of the public and irreparable losse of our great friend. I go for Scotland with my lady Rosehaugh. I shall see yow shortly. I wish yow all health and happinesse.

Your

AL: MONRO.

I hear letters are brok up again in your Countrey and that ocasions yow the trouble of sending the inclosed as it is directed.

Holograph.

Endorsed: From Doctor Monroe.

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[1] Bishop Henry Compton.

[2] Sir Thomas Osborne, successively first Earl of Danby, Marquis of Carmarthen and Duke of Leeds. He was Lord President of the Council from 1689 to 1699.

[3] Daniel Finch, second Earl of Nottingham and sixth of Winchilsea. Secretary at War, 1688 to 1693.

7. From Dr. Monro.

Sir, London, September 24 1691.

I beg your pardon that I have not written to yow before now since my arrivall here. We had a prosperous enough journey except one little accident which hindered us a stage for that day. It was two mile on this side of Berwick that the axiletree of our Coach broke but that being helped we came forward without any more trouble and in perfect health to this place. The King is expected here from Flanders very shortly. The public Gazetts will give yow the news more exactly. If yow have occasion to see Mr Denun I hope he will mind what I recommended to him at Haddington. The sooner it be gone about and the more vigorous the application is so much the better. There are endeavours used that our principall friend be sent for whether they succeed or not it is not so easy to conjecture. There is disposition enough in the court to hear the just complaint of all partys. Yow will be pleased to keep the books I left in your custody untill further advertisement. My Lodging is so uncertain that I cannot by this post informe yow how to address your letter but very shortly I will, and if any thing occurr to yow that yow incline to write yow may direct your letter for me to the care of Mr Gilbert Crocat at Mr Fowns house at the White Bear near Billingsgate. This trouble is given yow by

Your affectionate Cousin and most obedient Servant

Al: Monro.

Endorsed: From Doctor Monro.

8. From Dr. Monro.

Lond[on], Decemb[er] 23 [16]91.

Sir,

I had given you frequent trouble by letters befor now if I thought that it could serve you to any purpose. This comes to acquaint you that some time ago I wrot to Capt. Cockburn goldsmith about an affair that concerns

my friend and yours Mr Crokat, which is this—he sent down to Scotland some years ago 400 copies of Sir Geo: McKinzies reply to Dr Stilingfleet,[1] att Sir Georgs desire and mine; they were distributed by Mr Bunting among some stationers att Edinburgh, and he att that time took their obligation to pay the money for them upon conditions as Mr Bunting then agreed with them, and he himself can best inform you off. Mr Crokat wrot some scors of letters to Mr Bunting and me when I was att Edinburgh and some to Sir George himself for his money, which the bookseller here forced him to pay long ago, but could never as yet obtain any satisfactory answer. Therfor I earnestly intreat you with your first conveniency to take the trouble of speaking to Mr Bunting that he may speedily count with the booksellers, and att least gett up the money for such as are sold, and I must be alowed to importune your kindness in this affair because thers nothing in it intricat or tedious, and because its a piece of Justice which I owe to Mr Crokat who is very kind to his contrey men here and will be very glad of any occasion to serve you: and if Mr Bunting have no leisure to go about it, I wish you would procure from him that obligation which he took from the booksellers to whom he delivered the books, and then let me intreat you to imploy James Monro or any about you to bring it to some period, and that the money be remitted here att least for so many of the books as are sold alrady: and I beseech you believe that I am particularly concernd in this affair wherin I hope you will be so kind as to give some speedy answer as soon as conveniently you can. The books cost Mr Crokat 20 pence each book here, besids the expence of transporting them to Scotland.

How you are to dispose of my books left with you I shal shortly inform you; in the mean time I hope they are keept in good order. I can give you no particular

[1] *The Antiquity of the Royal Line of Scotland further cleared and defended against the Exceptions lately offered by Dr. Stillingfleet in his Vindication of the Bishop of St. Asaph.* London, 1686. A Latin translation was printed at Utrecht, 1689.

account of my self as yet, but am not out of hopes of giving in a short time such a one as may please you.

The last week the affairs of the Kirk werc clearly on the presbyterian sidc ; upon this the othcr party made a vigorous and bold assault which hath retardcd what the presbyterian club befor thought themselves sccure off, so pendlous and uncertn is the present state of affairs here. Thc dispute thats now managed att Court against the puritans is that thc present figure of presbytery is not truely presbyterian nor consistent with the act of Parliament, nor the formar constitutions of it in Scotland, and that the clause in the Act of Parliament upon which they found their exercise of Ecclesiasticall disciplinc must be regulated and interpreted by the principal design of the Act of Parliament which was parity in its full extent comprehending all thc presbyters of the nationall church, and if it be not restrained to this sense it seems to overthrow the more principl design of that Act, which was presbytrie according to the modell of 1592. I give you but a brief account of the generall medium because I write to one that knows the lawes. When you writ to me direct my letter to be left att Mr Stewarts next door to the tuo whit posts in Rupert Street London. Thers a book lately published here called Presbyterian Inquisition containing the tryalls of some of the Masters of the Colledge of Edinburgh. I shal send some copies of them to you and to Mr Denune with the first good occasion : I Hope Dr Cockburn uses his best endeavours to recover the books lately seised ; if he dos not recover them it will be a greater loss to me than I am att this tym well able to bear. Wherfor I must beseech you to take some concern in that affair also and to pardon the trouble from

Sir

Your affectionat Cousen and humble Servant

Al: Monro.

Addressed : For Mr John McKenzie one of thc Principall clerks of Session att Edenburgh Scotland.

Endorsed : Dr. Monro.

9. From Dr. Monro.

London, 29 December 1691.

Sir,

I wish yow a good new year with all my heart. It is talked here that the debate about the present figure of Presbyterie in Scotland grows very warm between the opposite parties at Court. There are plausible considerations managed hinc indc and with all zeall and diligence. It is represented for the Conforme Clergie that since Episcopacy is abolished by the Law a perfect equality was established and consequently presbyterie in its full extent and that this is inconsistent with the present administration of Ecclesiasticall Discipline since a few judge the whole body of the Clergie in the most arbitrary and unjustifiable manner, and tho this exorbitant practice seems to be founded on Law, yet that clause on which this is said to be founded destroys the intent and design of the very Law itself, and therefore that part of thc Act ought to be interpreted by the principall design which is the soul and strenth of the Law, and if this gloss prevail the present model of presbyterie will be somewhat disconcerted: over and above this and some other medium's from the Law, the shameless partiality that appeared in their late sentences is represented and proved in many instances. On the other hand the Presbyterians value themselves much on their services to His present Majestie in that Kingdome and they plead that the other party are not sincere converts to the present Government, and that the Letter of thc Law is for them and for their way, and that the Episcopall Clergie are but scandalous ignorant and insufficient. There have been severall conferences allready managed by the greatest of both Nations upon those heads of debate. It is said and I believe it that My Lord Tarbatt is to be Register. As for the Chancellour and Treasurer nothing is certainly known. My Lord Melvin as it is said is Privy Seal and L[ord] Carmichael in his place Secretary. My L[ord] Louthian Governour of thc Castle. I will be able perhaps the next

post to give yow a more full account. In the mean time remember me to Mr William Denune and tell him that whatever come of the Government Ecclesiasticall there is a peremptor order resolved upon that none of the Episcopall Clergie that own the Civil Government of K[ing] W[illiam] and Q[ueen] M[ary] shall either be process'd or depriv'd, and the Episcopall party are not without hopes but that at least they may have an effectuall method procured to redress the unjust sentences that have already past. If D. Cockburn be arrived he hath given yow from me Bossu upon Epick poetry [1] which I believe yow'll read in the vacance. When yow see James Monro yow may be pleased to tell him that I left off all thoughts of that affair of the Lady Beavely, and that I intended no more by any mention that ever I made of it but to lett her know that I sufficiently understood how I was treated from first to last as to that business. Other things that I recommended to him I know he will look after them very carefully. When yow have occasion to see any of my L[or]d Tarbatts Friends yow may assure them he is in very good health, tho' the presbyterians prayers are but very few in his behalf. The news that I have sent to Mr Denune by yow will oblidge him to lay up ten pound in case I call for it upon good security but let him not fear any sudden order upon this and none at all without twenty dayes advertisement.

Unsigned.
Endorsed: From Doctor Monro.

10. From Dr. Monro.

London, January 16 [16]91/2.

Sir,

I hade your kind Letter of the fifth instant; and I am verry glad, that there are some in Scotland that still remember me. I return yow my sincere thanks that yow have been at so much pains in Mr Crokats affair that I recommended to yow. The Bond that the Booksellers

[1] René le Bossu's *Traité du Poëme Epique.* 12mo, Paris 1675.

gave was conceived in favours of Sir George McKenzie to the end that payment might be recovered the more easily and with the greater a dispatch, but my Lady Rosehaugh and Mr Buntine both knows that the books doe belong to Mr Crokat and that the Bond was so contrived to secure his payment; for it was then expected that the books would goe of verry quickly: so I hope some expedient may be found so as Mr Crokatt may get what is so justly due to him, for he desires no more then that the copies be restored that are yet unsold on the prices for such as arc sold. I can give yow no direction how to treat with Sir George's executors. I hope upon a clear representation of the matter of fact, yow and they will find a method to bring the whole affair to a speedy conclusion. In my last I told yow that I did not intend to give any trouble to the Lady Bevelay or any of hir relations. I did indeed once write to hir because it past current amongst hir oun friends that hir son hade left me such a summe and still I beleeve he intended it, tho such formalities of Law as were necessary to make it effectual were wanting. All our expectations here run upon the news from Scotland since our Ecclesiastical Envoys are gone thither. Dr Kinnarise and Mr Lesk [1] will see yow long before this can come to your hand; they only can give yow the particular history of that syncritism [2] intended between thc Presbiterians and the Episcopall Clergy *Relliquias Danaum* etc.[3] I hopc you will make my excuse to Mr Dinnun if I doe not writ to him by this post. I know he is bussic and all his diligence is necessary in this critical juncture. Let him not at all impute it to lazienes that I made no particular return by writ to several kind letters of his I have by me. I am truely affraid (unlesse my letter to him were enclosed

[1] Dr. Canaries and Mr. Leask.

[2] *Syncretism.*—Attempted union or reconciliation of diverse or opposite tenets or practices, especially in philosophy or religion. The term came to be used of theological compromise, a mingling of different religious systems—as between Catholics and Protestants, between Lutherans and Reformed.

[3] *Aeneid*, i. 30.

under your cover) it might be broken up before it came to his hands for I know the Presbyterians have no kindnes for him, and there are none so nimble about the post office as are many of that gang. Mr Crokat by my direction gave fiftie copies of the Presbiterian Inquisition against the Professors of the Colledge of Edinburgh [1] to Bailzie Simpson's son Master of a ship. He is to sett sail with the first fair wind for Scotland; he is a discreet young Gentleman and will take care that none see those copies untill they are delivered to yow. They sell them here at eighteen pence the book. I hope Mr Dinnun and yow will find a way to sell them to the best advantage. It is now commonly known here that Mr Andrew Massie was the man that invented and drew up the severall Libells against the Masters of the Colledge and particularly against your friend. I know no reason he hade to doe so but because I was not so forward to execute his revenge and malice against other Masters in the Colledge. I did not think my selfe obliged to be the tool of his peevish and unreasonable passions and his Colleagues did frequently accuse him to me in many things which I endeavour'd to suppress or calmly remove without that censure that was due and yet none of them made it there bussines as far as I knew to expose me so malitiously as he did. I don't write thus to provoke any of my friends to resent his disingenuity but only to inform yow that he and Sir John Hall [2] and Harie Ferguson were the men who endeavoured to make me as black by there calumnies as I am opprest by presbiterian malice; though I suspected all this before I knew it not particularly unlesse Provost Moor [3] himselfe hade told it. Yow will perhaps hear a great many stories of me. Yow are to beleeve none of them, but such as are given yow by Dr Kinarise or by my selfe. I have no reason to doubt but that some tyme or other some of the Clergie here will provide me some settlement, and it hade been done before now if some considerable Presbiterians

[1] See Introduction, p. 202.

[2] Sir John Hall of Dunglass, Lord Provost of Edinburgh 1689 to 1691.

[3] Archibald Muir, Lord Provost 1691-2 and 1696-8.

hade not made it there particular bussines to give the worst characters of me. And when I hade broke through those clouds, others upon designs best knoun to themselves took another way to hinder me as much as the former but when a man's wayes please the Lord he maketh even his Enimies to be at peace with him. Oppression maketh a wise man mad, much more one that hath no pretences to that character but a man may be brought to endure things throw custome which he could not think possible before tryal. Notwithstanding of all this I have no reason to fear but that the same Providence that orders the meanest things and all ther different motions will also look after me. I beg your excuse for this long letter. I will make the next shorter. I am in all sincerity

Yours

Al: Monro.

Addressed: For

Master John McKenzie on of the Principal Clerks of Session Edinburgh Scotland.

Endorsed: From Doctor Monro London.

11. From Dr. Monro.

10 March 1691/2.

Dear Sir,

The happy change made in the Council will be improved (I hope) to the advantage of our poor Countrey. I think the tirrany of some will grow no higher at least: the thing intended is a Parliament: I beleive the methods are conceived. I am afraid that my friend Mr Denune mistook the proposal I once made by yow to him: bot I did not intend him so much trouble as to put him in fear. My meaning was if I ordered to sell some of my books that he wold upon that found advance some litle money bot I will delay the mater a while longer. I am told by some great men here that the vacand stipends in Scotland will be imployed for the relief of the distressed Clergy and when yow see a feasible oportunity (which will

be shortly) put in then for me: and I am very sure yow will be heard. The Duk of Queensberry, Torbat, Bradalbin, Lithgow, Strathmore, Kentor, will promote it I assure yow. Therfore fix your eyes on one or two: wher it may be easily got up. Pardon this confusion and excuse the entyre confidence which shall at all tymes be reposed in yow by

Your affectionate Cousin and Servant

Al: Monro.

Mr Johnstoun Secretary [1] goes for Scotland shortly. I will write to yow more at length. Pray enquire for one Simson bayly Simsons son who got 50 copys of the Presbyterian Inquisition to be delyvered to yow.

Holograph.
Endorsed: From Doctor Monro.

12. From Dr. Monro.

London, 11 June 1692.

Sir,

I think long to hear from yow and how our friends in the north are. I make no doubt bot yow will take a speeial eare of my books untill I either see them there or eause transport them hither, the last being more probable than the first. My little family at present is afflicted with my wifes indisposition. I wrote lately to Mr Denune and I got no return. I am apt to think he did not receive it because in that interval quhen the deseent from France was feared many letters miscarried. If yow will let me have the favour of a line from yow direct it for me at Mr Boltons house Joyner in Darthmouth Street Westminster, London. This is from

Sir

Your affectionate Cousin and humble servant

Al: Monro.

Endorsed: From Doctor Monro.

[1] See Introduction, p. 206 *n.* 1.

13. From Dr. Monro.

London, July 5th 1692.

Sir,

I had your very kind and oblidging letter of the 28th of June. You may be very sure that I love my own countrey and that there is nothing I wish for more than an oportunity to serve it with all the skill and zeal that God bestowes upon me. I am infinitely indebted to my Lord Strathmore's favour, and I wish you take the occasion some time or other to assure my Lord that I neither forget this nor former favors which have been very seasonable. As for the project that is now under consideration, it is my humble opinion that it is not feasible. Such as are called to Churches if they enter legally must be inducted by the Presbyterians in whom the Government is lodged. They invent many objections against all men that are not of their way and I believe they could invent them more plausibly against me than against many others. And it is not likely that ever I will strike sail to them who have persecute me with so much bitterness from the beginning of this Revolution. And tho the Council might interpose upon their refusal to admit me I know they have that interest in the Council that I could not be admitted without giving extraordinary Tests of Loyalty to their present Majesties and such as the body of the Clergy are not obliged to give at least they are not put to it. I love peace and submission with all my heart. I have reasoned for it upon many occasions. Yet I do not desire to go to remarkable heights in any thing of that nature. And if I should do all that may possibly be required of me, yet still I am to have no legal Title but by the Presbytery and then you cannot but see that my settlement in that place must be very precarious or rather none at all when ever the Council changes their members or their measures. I believe your second thoughts will bring you about to mine. However since your friend is gone down for Scotland, if he can be made favourable

(which I think is not so easy) something may be done for me that is equivalent to what is projected in Angus. There are three Bishopricks where no Bishop claims interest and I may have a little pension out of either. Dunkeld and Galloway are the surest. I thank you heartily that you do not move for any stipend where it may be invidious for I assure I will never have any such. There is a young man now that preaches at Meigle. If he gets but a part of the stipend for serving the Cure in the mean time I think the rest is at the Councils disposal and may be had without any Grievance to any man alive. However you may discourse with My Lord Tarbet and My Lo[rd] Breadalbane about it. Tell my Lord Tarbet that what he recommended is punctually gone about so that before now greater persons than any he named are acquainted with it. Do not take it ill that I make use of my friends hand; it was to ease you. I thank you heartily for the care you have of my books. I hope when the Session is over you see that they do not moulder. My most humble duty to Coul and I heartily pray God preserve all of you for the good of your country and the particular contentment of

Your affectionate Cousen and Servant

AL: MONRO.

My poor wife is much better. Remember me to Mr Denune.

Addressed: For Mr John McKenzie one of the principal Clerks of Session Edinburgh Scotland.

14. FROM DR. MONRO.

London, July 9th 1692.

SIR,

I cannot make a good apology for giving you the trouble by the last post of so many Letters but I knew not how to transmit them safely but by your kind interposal. I will take it for an act of favour if I knew as soon as is possible that you have received them. For news I tell you that a Compleat entire Copy of Petronius Arbiter is

happily recovered at Buda and is now at the Press in Amsterdam.[1] All the great Criticks in Holland acknowledge that it must be genuine because all the Lacunæ are so coherently filled up and the stile exactly the same over all. I believe your Presbytcrian Ministers will think very little of this but it is very considerable news because we have ground to hope some better Books of the Ancients may be recovered out of that same Library at Buda. If the affairs of the Session take you up so much that you cannot write you may desire Mr Dumbar or any other Friend to signific to me that you have received the last pacquet. I entreat you excuse the freedom of

Your humble Servant and Cosen

AL: MONRO.

15. FROM DR. MONRO.

London, July 30th 1692.

SIR,

If your kindness and good nature draw upon you more trouble than is reasonable to put you to it is but the ordinary lot of all good men who must not weigh by scruples what they do for their friends. I return my sincere thanks for your concern for what past lately in my favours in the Treasury. I cannot guess to whom I may entrust that Factory.[2] If My Lord Breadalbane would rccommend it to his own Chamberlain in that Countrey, perhaps he might be the fittest man. But since I know not what to do in it at this distance without your interposal and direction I have sent back the Factory to you again subscribed and when you are satisfied with the person that is recommended to you for that effect, do mc the kindness then to cause fill up his name. Perhaps Bailzie Murray at the Nether Bow may give you

[1] An edition of Petronius, containing matter of which the authenticity was discredited, was issued at Rotterdam in 1692. There is an Amsterdam edition: *F. Petronii Arbitri . . . Satyricon cum notis Boschii, Reinesii et Schefferi*. . . . 2 tom, 16mo. J. Wolters, Amstelaedami, 1700.

[2] Factory, *anglice* power of attorney.

some light into it. I am content to allow any man for his pains what is reasonable and usual in such cases. But if you could meet with a man that would buy my Right entirely off, I would let him have an easy bargain, and my present circumstances oblidge me to this method and dispatch rather than to the other more tedious way of collecting. But I am positive in neither, otherwise than as you shall direct me. I am very glad that you agree with me as to the other proposition lately made concerning my removal from England. My most humble and affectionate service to Cowl. I am

Your most affectionate Cosen and Servant

AL: MONRO.

There is an imperfect confused relation that goes up and down the City concerning a skirmish that latcly hapcned between the two Armies in Flanders.[1] It's said that the Confederates forced a pass wherein the Scots and English were most employed. All accounts aggree that Major Generall Mackay [2] is killed. But at the writing of this there are no Letters come to the Queen, so the whole may be laid by as a thing that needs confirmation, for all that is said here is founded upon a Letter writen from Amsterdam and not from the Camp. The express from Flanders is now come, just when I was a going to seal this. The contested Pass is regained by the French being speedily reinforced from the body of their Army. There are a great many of the English and Scots dead upon the spot, and the loss of Officers is irreparable, for I assure you it is past all whispering here, there being a List of 45 field Officers (openly read in Mans Coffee house) killed. I do not enclinc to send you the detail of this affair. You'l hear of it almost from every one that receives a Letter by this Post. I cannot get the List as yet, but no doubt it shall be sent to Scotland by many hands. Poor Lord Angus is killed, McKay, Sir Robert Duglas, Collonell

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[1] The battle of Steinkirk, July 24, 1692.

[2] General Hugh Mackay of Scourie, Claverhouse's opponent at Killiecrankie. He led the attack at Steinkirk,

Hodges, to name no more of subordinate officers. You'l have great news by the next post.

Addressed: To Mr John MeKenzie one of the prineipal Clerks of Session Edinburgh Seotland.
Endorsed: Doetor Monro.

16. From Dr. Monro.

London, 13th August 1692.

Sir,

I had yours of the 4th instant last post save one, and I am very glad to know that Cowle and you are in good health. As I have no reason so no inelination to doubt your forwardness to do me good offiees. I am not at all surprised with your repulse from that Gentleman you spoke to on my aeeount. I looked for no other, and I shall be very sorry, if any of my wellwishers be denyed any favour for me the seeond time. It is very odd, that we who are punished for preaehing the Doetrine of Non-resistanee should be required to praetise it under the present Seheme to a higher piteh than ever was pretended by its former patrons. Whatever stoieism men may pretend to, they earry still about with them the usual resentments of human nature, *Sed prestat motos componere fluctus*. If it were for no other reason but this, that they eannot rise to any terrible height tho' they were allowed their full liberty. I wrote to you to see if any sueh bargain eould be made as I propos'd for the Affair of Miggle, and if it eould, any body may see, that it had been more seasonable than thrifty. But poor peoples business is allwayes out of order. I desire to know by your next if you ean regulate that affair with Mr Cooper so as I may have Siventy lib. Sterlin answered me here, and let him pay himself as soon as is possible with the usual annualrent. In one word I leave the whole affair to your eonduet and kindness for mee. When I wrote to you of the Reneounter in Flanders, it was with no resolution to disturb you. But sinee it made a great noise here, I only touehed it. The return of the Fleet designed for an expedition into

France without doing any thing after the expence of 600000 lib. Sterlin is a greater matter, and occasions more talk than the other. I shall be glad to transmit the News to Mr Crockat if there be any thing done for him; he is now in the Countrey himself and I cannot be more particular in my directions. * I continue yours as befor *

AL: MONRO.

Perhaps Amelot de la Hussay his version of Cornelius Tacitus,[1] if you have it not already may please you, and if so, let me know. A new Edition of Euripides will be ready very shortly.[2]

Addressed: For Mr John Mackenzie one of the principal Clerks of Session Edinburgh Scotland.

17. FROM DR. MONRO.

London, 23 August 1692.

SIR,

I intreat that yow will be pleased to do me the kindnesse to speak to my Lord Strathmore that he may not mistake my not going to Meiglc. I had a letter from his Lo[rdship] by the last post, but yow easily see that the project as to me is not practicable and perhaps yow may move my Lord Tarbat to speak to his Lo[rdship] that he may not impute this to any unexcusable humor in me for I am very far from such a temper tho my circumstances in the world wer more prosperous. I shall be very glad to hear from yow and if yow knew how much it refreshes me I have the vanity to think yow wold not deny the favor to

Sir

Your sincere friend and servant

AL: MONRO.

Holograph.

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* Holograph.

[1] *Tacite: avec des notes politiques et historiques* [translated] by Amelot de la Houssaie. 12mo. La Haye, 1692.

[2] *Euripidis quae extant omnia . . . Opera et studio J. Barnes.* Fol. Cantabrigiae 1694.

18. From Dr. Monro.

London, 30 August 1692.

Sir,

Yow ordered me to send yow neus of such books as I think may please yow; this is the reason why I presume to tell yow that Mr Dacier his Comentary on Aristotles book of poetry is at length come out.[1] I am really charmed with it, and if I knew how to send it to yow I would be so impertnent as to exhort yow to read it. Yow see by this and some other shoakes of this nature how impossible it is to cure pedantry and yet nothing but some such disease could make my present condition so much as tolerable. If your leasure allow it I expect your answer to a former letter, viz. whether ther can be some speedy transaction of the affair of Meigle. *Vive et vale.*

Al: Monro.

Holograph.
Endorsed: From Doctor Monroe.

19. From Dr. Monro.

London, September 27, 1692.

Sir,

I have only time to tell you, that I received your last of the date the 17th instant, which I longed for, and for which I thank you heartily. If you can without any considerable inconvenience to your self advance the sum you mention'd in your letter upon that fond of Meigle, I cannot but acknowledge it both friendly and seasonable. Your right to it shall be such as you shall contrive your self.

There are but few books that I can advise you to buy here, yet Amelot de la Hussai his Version of Cornelius

[1] *La Poëtique d'Aristote, traduite en François, avec des remarques critiques par M. Dacier.* 12mo. Paris, 1692.

Tacitus is one of them that I recommend to your perusal, because the paralel Modern Histories wherewith the notes are enrich'd are but litle short of Tacitus his oun Political Observations. I long to hear from you, and I continue as formerly

Sir

Your affectionat Cousin and servant

Al: Monro.

20. From Dr. Monro.

London, October 6, 1692.

Dear Sir,

I had yours by yesterday's post, that made me acquainted with the sad news of my brother's death, whom I truly lov'd and valued, and I am the more sensibly touch'd that I never saw him since I parted with him in the Month of June 1666 at his oun house some dayes before I went with yourself to the Lewes, and partly because his nearest relations who are to succeed him in his litle Orb, cannot act his part so aggreeably as he did himself. I am glad that you had such a care of me, as to transmit the news by your oun hand, least I had been surpris'd by them, if I had heard them at a venture. Our life is but a dream, or if there be any thing else more transient, by being so it becomes the more proper expression of our pilgrimage; I need not look abroad for instances for I cannot remember any thing more troublesome, and various, than the several periods of my oun life, tho' obscure and inconsiderable, and if I can in the remaining moments disingage my soul from dark passions, worldly incumbrances, and the pageantry of vain apparitions and shadows, I desire no more. It is very comfortable to me to hear from you. I am truly afflicted, tho' I cannot plead for my being so much affected with sad accidents and disasters; yet every thing about us, and in us, force us to confess, that we are more flesh than Spirit, and that when we have applyed our strongest remedies to heal our weaknesses, we feel that they are

more deeply rooted in our nature than either we can express, or conceive. If Mr Robert Calder at any time see you, put him in mind of his promise. I pray God direct, and preserve you for his oun service, and for the comfort and satisfaction of all your friends. This is from

Dear Sir

Your affectionat Cousin and servant

Al: Monro.

21. From Dr. Monro.

London, October 8th 1692.

Sir,

I am very sensible that I give you extraordinarie and frequent trouble, but I know you will be so kind as to think that this proceeds from the present posture of my affairs, which are more intangled at this nick of time (by reason of some emergencies) than they have been since the Revolution, and I know you will take this short preface instead of a Long Historie. My L[ord] Bradalbin has been so much taken up since he came here, that I have not gotten time to speak to him about that litle affair of Meigle; 'tis probable by this post he will write to Campbell of Carqhuin to deliver to you the papers relating to that affair which you gave to My Lord, and when you receive them I intreat that you make some bargain or other with some Gentleman that hath interest in that place for the whole, and let them have all the right I can give them. If you can get twelve hundred Marks for it, you make a good bargain so as it may be advanc'd presently; if not doe your best to get a thousand Marks; this is so fair an offer, that I think some one or other will embrace it, since they can gain nothing less, than four or five hundred Marks, and one would think that this is annualrent enough to Candlemas when the whole is payable. Blair Drummond was once my very good friend, and I hope I have not yet forfeited his favour. You may try him, or Ramsay of Bamf, and if Meffin be in Toun, he will not refuse you advice and

assistanee. I leave the whole affair to your self, make the best bargain, only remember that present money is absolutely neeessary for

Sir

Your affeetionat Cousin and servant

AL: MONRO.

Endorsed: From Doetor Monro.

22. FROM DR. MONRO.

London, October 11 1692.

SIR,

I wrote by the last post whieh I hop yow will tak to eonsideration with all eonvenient speed. Some late ineumbranees have intangled me without any fault of mine more than I thought might happen in several years. Others perhaps may give yow notiee of it. It is not worth the while to give yow trouble about it. This is all at present from

Sir

Your troublesom friend and servant

AL: MONRO.

Holograph.
Endorsed: From Doetor Monro.

23. FROM DR. MONRO.

London, 8^{ber} 22 1692.

SIR,

I had by the last post save one yours of 13th eurrent, and if I am not so solemn and pompous in my thanks I am never a whit the less sineere and grateful. When your eonvenieney will allow yow to let me know more particularly what was but generally glane'd at, as to your oun affair I shall be very glad to know all the eireumstanees relating to it, and I heartily Pray God it may be very prosperous. I have giv'n you frequent trouble of late. It may be that My Lord Tarbat has written to My

Lord Carse that he may give you all the light and assistance in the bussincss of Meigle that is possible. I have no directions to give about it, I know you will take such methods in it as your kindness shall suggest, and whatever you doc in it shall be authoriz'd by me. I cannot as yet give you any particular account how your friends succeed at Court. Whatever come of it, they are determin'd to represent plainly and fully the unsufferable injustice that the complying Clergy meet with from the present mongrel Constitution. You may write sometime before My Lord Tarbat goe from this place to his servant to carry home for you Amelot de la Hussai his version of Cornelius Tacitus, and I'll take care to deliver it to him. When you doc me the favour of a line, let it be directed for your friend in Princes Court Westminster. Send your boy for Mr Robert Calder and bid him make all hast with what is recommended to him, and if he come here this winter his friends will look after him as kindly as may be. This is from

Sir

Your affectionate Cousin and servant

Al: Monro.

Endorsed: From Doctor Monro.

24. From Dr. Monro.

London, November 5, 1692.

Sir,

I doe with all my soul congratulate your happiness in the enjoyment of so good and so fine a Lady. And I am confident by all happy presages that your satisfaction shall continue, and increase daily. I earnestly beg you would doc me the favour to give my most humble duty to her, because none can wish her more true contentment and felicity.

My Lord Viscount of Tarbat took journey for Scotland this morning. I knew not of it till yester night when it was too late to send you the Tacitus that I promised, but

I shall take eare of it, by the next eoaeh, for sinee My Lord Baleaskie stayes still behind, I will lay hold of that occasion. I rceeived your Bill, and the eontents of it, and if this was but negligently said in my former letters, I hope you will exeuse it; and I am eonfident if I live any while you must be obliedged to forgive me greater faults. The affairs of the Kirk are just as they were, that is to say, incensa Danai dominantur in Urbe.[1] You'll hardly believe that the name of Mr Donald Ross of Conton is in a Pamphlet whieh was published here this week against the Episcopal Clergy of Seotland. I hope to give you shortly an aceount of it in a very legible hand. Mr William Denune is very kind to me, for sinee I came to London I had but one of his letters. This is no complaint but a just commendation of his caution. I am

Sir

Your affeetionat Cousin, and obedient servant

AL: MONRO.

Endorsed: From Doetor Monro.

25. FROM DR. MONRO.

London, November 26, 1692.

SIR,

It is but lately since you were married, and that is one good reason why I have not given you frequent disturbance for some weeks; yet lest you should think that I never write unless my oun partieular affairs obliedge me I have presum'd to give you this trouble. I perswade my self you will be very zealous to promote what I recommend to your eare, and it is no less, than that you may be the happy instrument of bringing to light a volume of Buchanan's Epistles to the learnedst men in Europe; tho' the honor of our Country were not eoneerned, I know your inelinations would prompt you to favour this design. Now the way to doe this effeetually is to put My Lord Tarbat upon this noble plot, and you'll find it very easy

[1] *Aeneid*, ii. 327.

when I tell you that the deceas'd Lord Loehore [1] had this colleetion of Buehanans Epistles. I need not direct you more particularly by whose mediation to proeure them, since your acquaintanee with his oun Lady and Mr Colin Mackenzie's Widow will facilitate this enterprise. I hope My Lord Tarbat will relish this overture, and all your friends here are bigg with the hopes of seeing them brought to light by your interposal. However I must importune you to let my Lord Tarbat know how humbly I importune his Lo[rdship] to take some coneern in this affair. Give my most humble service to your Lady, and when your leisure will allow you, transmitt your thoughts of this, to

Sir

Your affeetionat Cousin and humble servant

Al: Monro.

Endorsed: From Doetor Monro.

26. From Dr. Monro.

London, November 29, 1692.

Sir,

I hope you have reeeived mine by the last post. It is impertinent to give you new trouble, when I have nothing to say, but to repeat the very same story that my last contained. 'Tis true, this is very far from good manners, but not so far from my true interest, but that I hope you will be reconcil'd to it, and if your intereession ean doe me sueh a considerable pieee of serviee, you must pardon me to importune you untill that be interposed. Since my last I understand, that your Cousin the E[arl] of Balearres has (very much) the disposal of that affair, at lest that he is the man, that can most effectually promote it. I presume he will not deny me any such kindness, not that I pretend that ever I deserved it, but beeause I think he is ready to bestow it; and I perswade my self he will believe that I would gladly embraee an opportunity to serve him to the utmost of my power. My Lord

[1] Alexander Malcolm of Lochore, appointed a Lord of Session 1687; deprived of office at the Revolution.

Balcasky (who takes journey to morrow for Edinburgh with his Lady) will put My Lord in mind of it. I looke for no answer to this untill you have made some progress in it. This is from

Sir
Your affectionate Cosin and servant
AL: MONRO.

27. FROM DR. MONRO.

London, December 6, 1692.

SIR,

You know before now that Ja[mes] Stewart the K[ing's] Advocate [1] has orders to prosecute the E[arl] of Seaforth and other Gentlemen criminally. All are agreed, that there is no more intended than that they may be obliedged to hold their lives of the Government; but some are of the opinion, that when their case is duly and narrowly considered, and timeously advis'd, that they need not fear any thing. I am told that the Bishop of Glasgow has it in his choice, to leave the King's Dominions, or to be shut up in close prison. I wish you a good new year, with your Lady, and other relations. When your convenience will allow you, you may let me know your thoughts of my two last. Farewel.

Unsigned.
Endorsed: From Doctor Monro.

28. FROM DR. MONRO.

London, January 12 1692/3.

SIR,

I doe sincerely beg your pardon, that I presume to send the inclos'd under your cover. I assure you that it contains nothing but my thanks for a particular good office lately done me; and that I shall not abuse your goodness and

[1] Sir James Stewart of Goodtrees, Lord Advocate from 1692 to 1708, died 1713.

friendship for me so much as to make a eommon praetiee of what now I venture upon ; and the reason why I doe it at this time is, because some mens euriosity is so boundless that they break open all letters ; and tho' one be innoeent as the light, yet he does not desire to be expos'd naked. In the next plaee, I earnestly intreat that you forgive my not sending (as I promis'd) Amelot de La Hussai his Freneh version of Cornelius Taeitus. It was pure forgetfullness, and I hope when the Session is over, and you more at liberty to read, then you shall have your book ; for I have firmly resolv'd to send it to you beeause I think it is very well worth your while to consider every paragraph in it. If you can proeure Buchanan's Epistles, you may cause Mr Robert Calder transeribe them for me ; but if there be not a bundle of Latine Epistles among them, I doe not yet think it worth your pains to look after them. When your oun affairs allow you to notice my litle bussiness of Meigle, I know you will doe it. And this eomes not to importune you on that head, but rather to make apologic for the frequent trouble that I give you. In the mean time forget not this one thought, that the sooner it is dispateh'd, it is still so much the better. My most humble service to your Lady, and to Mr William Denune if he does remember me. This is from

Sir

Your obedient Cousin and servant.

Unsigned.

Part of the address remains thus : one of the prineipal Clerks of Session in Edinburgh Seotland.

29. From Dr. Monro.

London, February 25
1692/3.

Sir,

I have presum'd to give you this trouble that I might undeeeive your self and others, who possibly read my name in the News letters lately. Upon Friday, the 17th instant, a Messenger with a Constable and two other men

enter'd my house betwixt 7 and 8 of the clock in the morning, lock'd my doors, possess'd themselves of the key, and told my wife, who was then in the lower parlour, that he had an order to search my house for disaffected persons, and to view all my books and papers. Upon which she came up stairs, and told me, and they followed her close at the heels, and enter'd the room while I was a bed, being confin'd to the house a fourthnight before by a certain indisposition, which hath now molested me for twenty dayes. The Messenger and his Company went up immediatly to a Garret, and gather'd up some letters papers and Pamphlets, which lay there in great confusion; and then he came down to the chamber where I lay, and carried away with him out of a Trunk and Closet what papers he thought convenient. For this, he told me he had Mr Secretary Johnston's order. I told him, that Mr Secretary Johnstone could give no order in such a case; he answer'd that he had particular order for what he did, and that he would be answerable for what he did. When he carried away my papers in the morning, he personally apprehended Mr Andrew Johnstone a young Gentleman that frequently keeps me company. He left me at my oun house because I was unwell, upon my promise that I should not remove but secur'd Mr Johnstone till he was examin'd, and got baill. My Papers were all view'd by Mr Secretary Johnstone, and then return'd to the Messenger. That same day betwixt eleven and 12 at night, the same Messenger came again, and told me had particular orders to make a more narrow search from top to bottom; which he did, and carried away with him all my Pamphlets papers and letters of all sorts. I was disturb'd, and vex'd exceedingly. My wife and children were frighten'd. The noise run up and down, as much as if I had been convicted of High-treason. Upon Saturday the 18th my papers were carried to Whitehall, and there examin'd and canvass'd by a Committee of the Council, but there was nothing found in them upon which any enemy of mine could fix his teeth. The Nobility thought it no part of their bussiness to look after such

mean and innocent things. The first bundle that he carried was again call'd for upon Tewsday the one and twentieth, but nothing was found in them that look'd towards any affair of the State: for I doe assure you, that when they have teas'd them a hundred times over, they'll sooner meet with a Camel and a load of cheese, than any thing that borders upon the State. When they were twice view'd the Messenger was order'd to carry them to the Attorney General. I can give you no more of the History. I am neither examin'd my selfe nor are my Papers return'd to me. There is a particular spite against me, and a design to crush me, which one would think is sufficiently done all ready. There is no Englishman accessory to my trouble. There is one Newtoun Bruce that is said to be the informer; his estate is about Falkirk, a person of whom I have not the least acquaintance. I was content to give you this trouble to let you know the truth of things, and because most of the News Letters here in the Citty have my name in them. If your oun bussiness allow you now when the Session is over, to look after my litle affair of Miegle *erit sat bene si sat* [*ci*[1]]*to*. For this last trouble gave me not only vexation but occasion'd some expence [*l*[1]]*eves quidem si summam, gravissimi tamen si solventem respicias*. This is from

Dear Sir

Your affectionat Cousine and Servant

Al: Mon[ro].

30. From Dr. Monro.

London, March 2 1692/3.

Sir,

I know it is not good manners to give you such frequent trouble, but it is more difficult to excuse the injustice of it, than its other faults. I thought that you would not be displeas'd to know the truth as to the matter of fact of what was in my last, which contain'd a short account

[1] Torn at seal.

of the trouble that I met with, which I hope is now near an end. If they who search for plots make no greater discoveries than from my papers, they are like to make but litle progress in their art. I believe My L[ord] Tarbat will not be ill pleas'd to hear that the most important paper among them was a letter of Isaac Vossius to Salmasius, and another letter of Dodwells [1] concerning some passages in St. Clement's Epistle to the Corinthians, at least these are the papers I would gladly have back again in my oun keeping.

This day I had a letter from one Mr Robert Lindsay, who it seems has been preaching at the Church of Meigle at the desire of the Heretors there, and he pretends that the last years stiepend there is lyable for his maintainance. He writes a great deal of idle stuff, in which I am not concern'd, and of some formalities of Law, that he made the Heretors there use in his favours, but I hope the Lords of the Treasury are party, and not I. You may take the most convenient way to put an end to that affair, that the present circumstances will allow. I leave it entirely to your disposal. I have not been abroad this moneth, and when it pleases God that I venture forth, I will not forget your book. My most humble duty to your Lady. I am in all duty and sincerity

Sir

Your affectionat Cousin and Servant

AL: MONRO.

Endorsed: From Doctor Monro.

31. FROM DR. MONRO.

London, March 16th 1693.

SIR,

I return my hearty thanks for your letter. I have nothing at present to give me any trouble, if I were in health. I was confin'd by an indisposition, or rather a complication of many diseases for 5 or 6 weeks, and I

[1] Henry Dodwell, nonjuror, Camden professor of history at Oxford; deprived for refusing oath of allegiance; died 1711.

cannot tell as yet whether the season will promote my health or hinder it. You may be very confident that tho I were in perfect health, I should never meddle with any thing that is publick; the politicks are things without my sphere, and (I thank God) beyond my ambition. The papers that were seiz'd have nothing in them that looks near the State, no not by the remotest consequence. So that you may be very sure that I conceal'd nothing from you of that whole affair. I have no talent for plotting or contriving new schemes of Government; and I hope I am not so great an idiot as to mistake my oun Orb. I am no Presbyterian, but men cannot command their Opinions no more than they can order the different lineaments of their faces; and if I have any opinions different from other men, with regard to any other thing besides the Church, there are no human laws can strike against inward, and invisible thoughts. This is said only upon the supposition that I had them, and whether I have them or not, I am not obliedg'd to tell my enemies. 'Tis natural to most men to heap new injuries upon any man whom they have once notoriously wrong'd; and on the other hand, I would sooner expect a favour from him who once did me kindnesses, than from another at whose hand I deserv'd them. I say this, because I give you frequent trouble, without so much as making apology for it. You are so much accustomed to doe me kindnesses, that the renewing them again (most probably) will be your only reward. Dispatch that litle affair as soon as you can, for my present condition makes it very necessary. As I told you before whenever I goe abroad I will not forgett your book. My most humble duty to your Lady. I am in all duty and affection

Sir

Your affectionat Cousin and servant

Al: Monro.

Addressed: For Mr John Mackenzie One of the Principal Clarks of Session in Edinburgh Scotland.

Endorsed: Doctor Monro.

32. From Dr. Monro.

London, April 4, 1693.

Sir,

This place affords no news at present. We have no foreign Letters for some weeks. The Scotch Secretary took journey yesterday for Scotland. There are a great many things expected of your Parliament that is shortly to sitt, and some say that if they all succeed according to what is intended the Countrey is ruin'd,—if not, they that design such things are in hazard. 'Tis certain that there are changes intended in the Treasury and Council, how soon they are brought about I cannot tell. You may look upon this either as a conjecture or a prediction, all is one to me if our friends are safe, and others are pleas'd to say that there are other changes intended in the College of Justice, and that by an Act of Parliament. I find that the clashings and counter designs and political subdivisions make your nation miserable. I have hurt my thumb, and therefore cannot sign this advertisement. Farewell.

Unsigned.
Endorsed: From Doctor Monro.

33. From Dr. Monro.

London, April 29, 1693.

Sir,

I received yours of the date the 20th instant, and I am very sensible of your care and kindness in the affair of Meigle. It was not possible all things duly considered to have ordered it better. Give my sincere thanks to your Cousin Mr George McKenzie who was so kind to me and assisting to your self in the dispatch of that affair. What you can let me have of it at present shall come seasonably. You may tak your oun way with Mr Clerk. I am told that the Exchange is more easy when the bill is drawn from Edinburgh to London than otherwayes. Let me

only have as much as is consistent with your present convenience. I am sorry that any of the Gentlemen in the Parish of Meigle should think themselves injur'd by me; if they consider the present state of our Countrey, they may easily see that it is not possible to procure a Legal Settlement for me in that place or any other in that nation. If they are displeas'd that my friends procured one years steipend for me I think that so much of the Ecclesiastical revenue is not sacrilegiously misplac'd when it is applyed to the maintainance of a Priest who would gladly serve his Countrey but cannot. I am out of countenance that your Cousin Mr Rory McKenzie here should be put to so much trouble. To remedy this you may send your letters without any scruple as you wont directly for me, for there is no inquisition here at present. I hope before now Cowl is with you. Pray give him my most affectionat duty and service. Collonel Monro and his Lady went for Flanders t'other week. I am so well pleas'd with his choice that I think it may make atonement for all the litle bulls that he fell into since he was born. The choice of a good wife being the best index of any man, I think him truly so happy that I love him much better than I did. I design to flatter you by this character I give of Andrew because I am told you have just such another. If there be any new Presbyterian book come out at Edinburgh pray let me know it. I hear Mr Rob[ert] Calder[1] is in hard circumstances, and I am heartily sorry for it; if the State mistake him for a dangerous Plotter, they mistake greater persons; if his punishment were chang'd into banishment from Scotland only for some time, I should congratulate his deliverance. I believe his friends will order it well enough. This is from

Sir

Your affectionat Cousin and servant

AL: MONRO.

Endorsed: From Doctor Monro.

[1] Robert Calder, minister of Nenthorn, ejected as a Jacobite; imprisoned at Edinburgh 1693; died 1723. Reputed compiler of the *Presbyterian Eloquence Displayed.*

34. From Dr. Monro.

London, July 8, 1693.

Sir,

The last post save one I received your kind and seasonable letter. I spoke to Mr Crop, and he promises to pay when the dayes are elapsed, and accepted the Bill. I think it was not possible for your utmost diligence to bring that affair to a fairer conclusion. I have been so long in possession of your good and kind offices that I think I have a right to them. I am fully satisfyed of the truth of your observation, that if it were to begin I could not reasonably expect to be heard considering the prejudices that are industriously started against me, *Nec dum finitus Orestes*. It may be I have more storms to wrestle with from that corner, but I have no fear, because I have no guilt, I mean such a guilt as is inconvenient, for I doe not fear any trouble from within. You may let me know what book you desire from this place besides that which by my former promise I am obliedged to send you, and whether you have the late version of Juvenal by the English wits. I can by no means procure a Letter from Mr William Denune. Give my most humble service to your Lady. I am in all sincerity

Sir

Your affectionat Cousin and very humble servant

Al: Monro.

Endorsed: From Doctor Monro.

35. From Dr. Monro.

London, August 29, 1693.

Sir,

I forebore hitherto to write to you any thing relating to the sad disaster that befell your Nephew in his return from Holland, partly because there is none alive more

unwilling or more unfit to transmit such news, and partly because the patience to bear such an extraordinary blow must procced from other causes than either the letters or discourses of our Friends. I was truly so stupifyed with the news that (as I wrote to Mr Denune) I neither had the presence of mind nor courage to write to your self or to his Father. I heartily pray God give all of you the Grace to improve this affliction to the most lasting advantages. I would very gladly hear from you, and the rather that it is said that lately you had a Fever, and if you remember to let me know how your son is the good news will still be the more comfortable. You and all your concerns have my good wishes and prayers, which I hope God will hear, because they are offered in great sincerity by

Sir

Your affectionat Cousin and servant

Al: Monro.

Endorsed: From Doctor Monro.

36. From Dr. Monro.

London, 21 September 1693.

Sir,

I was very glad the other day to hear by Mr Rorie McKenzie of your wellfare. I expected a lyne from Mr William Denune long agoe in answer to two of mine which I lately wrott to him, and in one of them I enclosed a letter for my brother David, to give him ane account of my nepheu Hugh Monro, who was shott through the head at Landen.[1] He is not yet dead, but there is no probability of his recoveric. I know not whither ever Mr Denune received any of my letters, or whither he sent that which was enclosed to my brother. Colonel Monro dyed upon the 24th of August in Bruxells of a feaver occasioned by the toyle that he did undergoe about the

[1] William III. was defeated at Landen on July 19, 1693.

tyme of there engagement. Some of his enemies were industrious to spread lyes to his disadvantage, and to misrepresent his behaviour in the last fight. I have traced those stories to theire originall, and I find to my great satisfactione from impartial eye wittnesses, that Colonel Monro never behaved better in his lyfe than upon that occasion and I have this from them, who wer never much his friends. I wish his poor Lady a safe return unto Scotland. Mr Henrie Knox one of the deprived Clergie went from hence upon Tuesday last. He carries with him fyve copies of some Sermons of mine,[1] whereof there is one for yow. I give yow notice of it, to prevent your buying of another Copie, but if yow have bought any, I hope that which I send yow is better paper than that which is sold at Edinburgh. I hope yow and Mr William Denune with your very first convenience will tak a viewe of my Books, and advyse with Mr Henrie Knox how they may be sold off to the best advantage, and if the sale be not thought convenient, they must be put up in some feu wooden boxes, and delivered to some skipper who is to come streight for London. The presses wherein they are laid up may be sold to defray the expence of such boxes. I will acquaint yow sometyme hereafter what books Ile keep for my own use, they are so very feu that they may be easily seperated from there neighbours. I think the Classick authors may be sold at Edinburgh. Excuse this ramble and beleive that I am

Sir

Your affectionat Cusine and Servant

AL: MONRO.

37. FROM DR. MONRO.

London, October 7th 1693.

SIR,

When the Session sits I'll take care not to give you so much trouble by Letters as now I doe; yet even this

[1] See Introduction, p. 203.

promise must be interpreted so favourably as not to exclude me from all converse. By my last I wish'd to have your advice how to dispose of my Books that are at Edinburgh, since there is a plain necessity that I must either sell them there, or transport them hither. I hope Mr Henry Knox has seen you before now, and giv'n you that Copy of some Sermons that I sent you. It was no fault of mine that they were not sent sooner. The Lady Rosehaugh took journey for Scotland upon Thursday last the 5th instant. I deliver'd to Mrs Moore, for your use, Amelot de la Hussai his Version of Tacitus, in two Volums seal'd in brown paper, which I hope you will be pleas'd to call for, and accept of as a Testimony of the Love I owe you. I hear, by an uncertain rumour, that Monsieur Dacier has either published, or designs shortly to publish some further illustrations of Tacitus. Whether it is a Translation, or political Essays, or both, I cannot by this give you any certain account; but I believe it can hardly escape my diligence, if any thing is done, or to be done of that Nature, and you may expect a further account of it from me. The Gentlewoman to whom I gave your Tacitus is My Lady Rosehaugh's servant. I hear that Mr John Drummond, one of our Professors, when our Government stood, has now in his keeping some Letters written by Buchanan, some Latin, some French, some English: if you think it proper to interpose with him and his Brother to let me have them [all] of them such as they are, I'll take care to let them have as many Copies, [a]s they please to name for themselves. It may be that the subject matter [o]f those Epistles is not so considerable, as the name of the Author, and the ten[d]ency they may have to illustrate some parts of our History in that Period: however I hope you may try it with that kindness wherewith you use to In[t]erpose in my favour. I have many obligations to Mr David Drummond, and [i]t is from the true sense of those, that I presume he will not deny this favour [i]f he does not find it alltogether inconvenient. I am astonish'd that I never hear from Mr William Denune, and that I cannot know whether he

receiv'd two Letters that I wrote to him. Give my most humble Service to your Lady. I am

Sir

Your affectionat Cousin and Servant

Al: Monro.

[*Note.*—The left margin of this letter has been cut into. The missing letters have been supplied within square brackets.]

38. From Dr. Monro.

London, 24 October 1693.

Sir,

I hear from Scotland that Mrs Logan my mother in law is dead long agoc. If yow remember, she liferented a thousand merks Scotts, which was once consigned and lent to some writters in Edinburgh, about the terme of Whitsunday 1689. The bond is in the Register: James Monro that wrott in Mr James Dalrimples chamber has the extract of it that once I gott; it may be easily recovered whether he is in the town or not. I have forgotten their names to whom the money was lent; I hope they are good and responsable men. My present condition cannot allow me to let it continue any longer in their hands, and I am very glad to lay hold of any thing that may permitt me to spare my books a litle while longer. It is a very sensible mortificatione to me to part with them at all; I would at least be as kind to them as Polyphæmus was to Ulysses. I am apt to think that Mrs Logans relations would never informe yow off her death, for reasons not worth the nameing. I hope yow are so much habituated to the toil of such trifling concerns that I need not fear neither your care nor expeditione. If Mr William Denune happen to come in your way when this paper is in your thoughts, tell him that I forgott to answer one particular in his last letter, and therefore if he please to send hither by some of the travelling coaches that come from Edinburgh Mr Ballantins printed copie,

and one or two of the answers that he judges deserves to see the light best, then he shall be sati[s]fied. This is all at present from

Sir

Your affectionat cusin and humble Servant

Al: Monro.

I long exceedingly to hear whether my Lady Rosehaugh be safely arrived at Edinburgh or not.

39. From Dr. Monro.

London, 7 November 1693.

Dear Sir,

I had yours by the last post of the date the 31 of October and I intirely leave the ordering of that litle affaire for the present releife of my familie to your own kindness and prudence with all possible expeditione and that I may not truble yow with unnecessary and unseasonable Letters yow may lay your commands upon me as administrator to signe such conveyance of trust as is necessary in Law to your selfe or any other whom yow shall name that I may have (for the education and mantainance of my children) that litle soume which is their own. I would have nothing that I say understood so as if I directed yow to the method of uplifting it. Yow have resolved the case already as a Christian Casuist viz. that it cannot be better imployed than in our preservatione and I have no reason to doubt but that yow will find as ready a solutione to all the intricacies that may occurr in Law. I hope there are non of them either tedious or insuperable. I am allwayes glad to hear of yow much more to hear from yow. This is from

Your sincere and affectionat Servant

Al: Monro.

40. From Dr. Monro.

London, 21 November [16]93.

Dear Sir,

I wish yow joy of your Lady and children. I have sent the enclosed according to your order. I shall be

very glad to know wherein I can serve yow in this place. If yow have not Theophrastus his Characters, I meane the late french translatione,[1] it is worth its own room in any mans Librarie. Let me send it to yow with the first occasione. The expeditione wherewith yow serve your friends is no less obleidging than it is seasonable. I wish yow and yours all health and prosperitie. This is from

Your most affectionat Servant

AL: MONRO.

Endorsed: From Doctor Monro.

41. FROM DR. MONRO.

London, 7 December 1693.

DEAR SIR,

By the last post I had your letter and bill. I am promised the contents of it the nixt week. I return my hearty thanks for your seasonable care. I send yow the enclosed in haist to prevent the indefatigable malice of some, who have singled me [ou[2]]t to be the mark of their ungovernable fury. I must also tell yow that the [cer[2]]tificate which yow yourselfe as one of my friends signed at Edinburgh in my [favour[2]] and was since printed (I cannot tell if yow have seen any of the Copies) is [. . . . .[2]] the latest pamphlet against the Episcopal Clergy to be forged here by me. Do in this as truth and honour directs yow. If Dr Skene be at Edinburgh he may possibly advyse yow how to behave in ane affair that requires all kindness and tenderness to the oppressed reputation of

Your affectionat Cusin and Servant.

Unsigned.

Addressed: For Mr John McKenzie one of the Principal Clerks of Session Edinburgh Scotland.

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[1] *Les Caractères de Theophraste traduits du Grec, avec les Caractères ou les Mœurs de ce siècle* [by J. de La Bruyère]. 12mo. Editions were published in Brussels and Paris in 1692, and another in Brussels in 1693.

[2] Torn at seal.

42. From Dr. Monro.

London, 23 December [16]93.

Dear Sir,

I received by the last post your christian and prudent advyce, for which I heartily thank yow, for I am entirely resolved to follow it. Men who live amongst strangers have a more tender feeling of calumny than those who injoy their native air. This might occasion such degrees of impatience as appeared in my last, tho' indeed I have ane extraordinary stock of fortitude against Presbyterian reproaches more than against the jealousies and suspicions of other men: whether this proceed from custome, pride or a better principle I cannot tell. Your letter was very comfortable to me, and I will be very glad to receive many of them. Let me know to whom I shall deliver your Grotius de Veritate etc. for I have bought it.[1] Colonel Monro's Lady is here in a very distrest condition as to her health; I am truly afraid that she has not strength enough in her present condition to overcome it. I pray God I may be mistaken. I wish yow and yours a good new year. This is from

Dear Sir

Your affectionat Cosin and Servant

Al: Monro.

Endorsed: From Doctor Monro.

43. From David Munro.

London, 27 January 1693/4.

Much Honoured Sir,

I knou my Master hes written to you to advance him some mony in his streats. I know not what may be in it but upon the recept of your letter the sickness is returned and is bedfast for present and I belive truble of mind sickens him as much as his other distamper. Soe for

[1] An edition of Grotius' *De Veritate Religionis Christianae* was published by the Elzevirs at Amsterdam, 12mo, 1680.

Gods saike let him be suplyed for once. For as he cannot leave this place without mony soe without it he can doe no business though I am confident no Gentlemen here spends as litle as he does. He hes written a long letter himself by my hand so that I need not ad. Only this I presume to write without his knowledge to show you his present condition and streats which are very great. Hoping ye will excuse this presumption I am

Much Honoured

Your Most humble Servant

DAVID MUNRO.

44. FROM DR. MONRO.

London, March 22 [16]94.

SIR,

I was glad to see a line from yow by the last post, and I thank yow heartily for the visite yow paid to my Orphan books. They have been confined (I beleive for their Master's faults) now of a long time. My wife goes for Scotland towards the latter end of May and then she expects without any diffidence your advice and assistance how to dispose of them. There are some of them that I cannot part with. I sent by Captain McKenzie Kincraig's son Grotius de Veritate I mean that I gave it to Mr Rorie McKenzie who gave it to him. I am heartily glad that Mr Denune is recovering. He remembers that some years ago he and I were much bussied about Birtchtrees. Yow may tell him if he is turned out by the General Assembly that the buying and selling and planting of such trees is a very gainfull trade here, to be sure he is a good proficient before now. It is no jest at all to tell yow that the prayers of the Episcopal Clergy for W. and M. are litle valued which in process of time may provock many of them to say them in reverse. There is a strange Magick in your Scots Presbyterie that ingages the Archbishop of Canterbury [1] to be its advocate. The darkest things in nature are more obvious than the intrigues of State. If the first

[1] Archbishop John Tillotson.

are untraceable yet they are beautifull and comely, but the other frequently are as monstruous as they are odd and extraordinary. When yow do me the favour to let me have a line from yow address it thus for—at the Upper end of great Warwik Street near Golden Square.

Unsigned.

I hope Mr Rorie MeKenzie and Mr John MeKenzie will give yow ane account of the vietory that Colonel Monro's Lady hath gott over her clamarous and indefatigable adversary Mrs Fullerton. It is so great that if Mrs Monro pursue it, the other is suffieiently redueed.

45. From Dr. Monro.

London, 26 Aprill [16]94.

Sir,

I would have written a longer letter to yow but that I send it by an extraordinary bearer, who is very sensible of your many good offiees, tho' she is not good at making of speeehs. She promises to herself your good adviee and assistanee in all her enterprises, that indeed are very few and of mean consequenee, yet of some moment still to her. This is all from

Sir

Your affeetionat Cousin and Servant

Al: Monro.

Endorsed: From Doetor Monro.

46. From Dr. Monro.

London, 5 July [16]94.

Sir,

I was glad to see a letter by the last post of your writting, beeause I was made beleive that your arm eould not permitt yow for a long time to make use of a pen. I eannot guess what the projeet is that yow have in your head, if it sueeeed, its well, and if not my obligations to yow are the same. I find there is nothing more true than the old

observation, that all men are more forward to do good offices to such as they have done them to formerly, than to such as merit at their hands: I have no pretences to the last but if your former kindnesses be a good prognostick, I have a better claime to your endeavours than any returns I can make yow. Yow have sometimes applyed Virgil prophetically. I hope the two lines in your last are by a particular inspiration. I am very sure that the Roman poet had a better title to the Spirit of God than many others that pretend to a *Jus Divinum*. My wife stayes very long in Scotland, I can not blame her, tho' she is very much missed here by her children. My humble service to your Lady. I see that my books are very unwilling to be removed from Edinburgh. I beleive they waitt an Act of the General Assembly to be transplanted. Its true that the coast is infested by privateers, and therefore yow will do me the kindness to let the key of those presses continue in your custody for some longer time. This is from

Sir

Your affectionat much obliged

AL: MONRO.

Endorsed: From Doctor Monro.

47. FROM DR. MONRO.

London, 6 September 1694.

SIR,

It is no part of my design to flatter yow for the many substantial good offices that yow have heaped upon me and my nearest relations. Yow expect no complements from me, and therefore I forbear to say many things that in justice I ought to say. It is not possible to make me more yours than I am, which I must not forgett as long as I retain the sense of honour and gratitude. My poor wife arrived here in health and safety yesternight. I had your bill eight days ago: I beleive that it will not displease yow that it came very seasonably. I hope when your leisur allowes yow, yow will make me acquainted with

the name of such friends as have been kind by your procurement, who I presume are men of worth and integrity. I will writt yow a longer letter when Mrs Vetch goes from this place, with whom I intend to send the Bible for your Lady, and any other litle book that yow may name for your own divertisement. If your Lady will be advised by me, I would have her to take a quarto Bible of the Cambridge impression, for it is absolutely the best. As for a Bible with the Cuts, I do not incline that she should take any of that impression, for all the English Cuts that I can see in S. Pauls church yard are stark naught, and not worthy to be looked upon. She must not think that I have any scruple of conscience against the historical use of such sculptures, but I sincerely hate all ill pictures; if she is fixed to have one with such cuts, I will do my best to get her one, tho' I am very sure, she cannot like them, when she sees them, therefore I expect your final determination in the case. If the first overture please, I have spoke for one this afternoon, which I am still at liberty to buy or let alone, as I see convenient. I pray God keep yow and yours under his special conduct and protection. This is from

Sir

Your most obliged humble servant

Al. Monro.

48. From Dr. Monro.

London, 13 September 1694.

Sir,

I have in complyance with your desire and my own inclination made all possible enquirie about John Mackie that Mr Mackinon may be informed by yow of all that we know of him. The Ship that he is in is in the Streights at present, and we are informed here that the fleet under Admiral Russells command is to return this winter for England.[1] If these news hold (of which we have no certainty as yet) it will be much surer to keep the papers

[1] See *infra*, No. 57.

here a while longer than to venture them to the hazard of so doubtfull a conveyance.

I let your friend Mr Rorie Mackenzie see some of the best Cuts I could light on, and they are all of them so coarse that they are not worth your while. I can buy a set of the best of them for eight shillings. This is evidence enough that they are not worth two pence. When I read over your letter again, I am apt to think that yow have seen, with some one friend or other, a copy of such sculptures as yow would have for your Lady, and if so, cause enquire where the impression was cast off, and by whom, and then it is very easie to find them, if any such can be found in London, Oxford, or Cambridge. I wish to know your orders in this before Mrs Veatch go from this place, that by her I may give yow some account of my diligence. My wife, who has been so troublesome to yow all this last summer, gives yow and your Lady her humble service, as also

Your affectionat friend and Servant

AL. MONRO.

Addressed: For Mr John Mackenzie one of the principal Clerks of Session at Edinburgh Scotland.

Endorsed: Doctor Monro anent Mr Cha: Macfingons papers.

49. FROM DR. MONRO.

London, 20 September 1694.

DEAR SIR,

I had your letter by yesterdayes post. I hear from several people that the Assembly-men are very high in our countrey. I am afraid our friend Denune must surrender his garison. I will send a Bible for your Lady by Mrs Veatch in quairs of the Cambridge edition in 4to, which is the best I can meet with here: and if afterwards I can meet with a set of cuts that pleases me, I will send it, and such may be bound by themselves, and they yeeld as much divertisement thus, as when scattered here and there in a Bible. By her also yow may expect Burnets

two treatises that yow desire, and if I can light upon any other litle book that may hit my fancy when she goes off, it shall be sent with the rest. Fowls remembers yow very affectionatly: he is now thinking of his journey for Scotland. I hope yow will take occasion to tell Mr William Monnipenny how sensible I am of his kindness. My sincere respects to your Lady. This is from

Sir Your

Al. Monro.

50. From Dr. Monro.

London, 27 October 1694.

Sir,

I delayed hitherto to acquaint yow that I sent your books by Mrs Veatch, who yesterday in the afternoon took journey for Scotland in one of Mr Creiks coaches. To her I delivered a wooden box addressed to yow and sealed as this is. In it I laid up a Cambridge Bible in 4to unbound, as yow ordered, old and new testament and apocryphal books, exactly collationed, and all ruled, together with a set of cuts, not so good as I would wish, but something better than those that I first lighted upon: with them yow have two Kings pictures, either of which your Lady may place in the frontispeice of her Bible: I think that which is in the narrower compass is the better face of the two, and if that is preferred, it may be battered upon the other, which is more afraid of the light. I leave this to be decided by your Lady, after a full view of both. I hope the Bible will please, yet still I am of the opinion that the cuts should be bound by themselves, as also the apocryphal books, thus they become more managable and easily used. In another bundle yow have the two treatises written by Dr Burnet *Telluris Theoria Sacra*, and his *Archæologia*, both of them written in a delicat pure stile.[1] The first is very ingenious, but

[1] Thomas Burnet, LL.D., Master of the Charterhouse. *Telluris Theoria Sacra, . . . Accedunt Archaeologiae Philosophicae, sive doctrina antiqua de rerum originibus.* 4to, Amstelaedami, 1694. The *Archaeologiae Philosophicae* was published separately in London in 1692.

not Mathematical enough to serve his hypothesis, as I am informed by the learned Mr Flamsted[1] at Greenwich. The other is too cabbalistical for this loose and degenerate age. He was put in mind of the bad consequences that Libertines might inferr from his allegorical explications: to obviate such objections, he hath written, since the book was published, a litle appendix, which your bookbinder must take care to place in the end of the book, but I am of the opinion that the Dr's remedie will not do Religion so much good, as his allegorizing methods has already done harm, but yow need no guard against his Philosophick adventures. There are animadversiones published in Holland upon his Archæologia. I would have sent it too, but that I thought them dull; and in a litle time I hope we may see some accurate treatise of the allegories of the old Testament. This is no entertainment for yow in the time of the Session, and when that is over, yow shall have further intelligence of such stories as fall within the knowledge of the idle and abdicated people. I am told that there is an impertinent fellow a waiter at Ayton near Berwick, who searches and opens all trunks and boxes; if he shakes loose books that are unbound, he may spoile our whole demonstration by dirtying and confounding the sheets. This I think yow may prevent by procuring an ord[. . . . . .[2]] from whom he has his power at Edinburgh, not [. . . . . .[2]] that box: but I hope the Gentlewoman, to whom I gave the keeping of it will venture to pull out his eyes rather than let him open it. My wife hath sent several other things in it to a certain Gentlewoman at Edinburgh, which keeps the books from shaking to and again, and of which Mrs Veatch will ease yow, when she delivers your box.

Your nephew Fowlis took journey for Edinburgh on Thursday last. He stayed longer here than was necessary, which I do not impute so much to himself as to Mr Fairn, who never left him all the time he was here, and at last, as I am told, has cheated him to a considerable value.

[1] John Flamsteed, the first Astronomer Royal, appointed 1675, died 1719.

[2] Torn at seal.

He himself is a young man of good inclinations, and natural parts far beyond any acquired improvements that he has yet met with, and by the good advice of some of his relations, I am very hopefull he may, in due time, appear a very honest Gentleman. Give my humble service to your Lady. I shall hear from yow when those things come to your hand, and when your leisure will allow. This is from

Sir
Your affectionat humble servant
Al. Monro.

Addressed: For Mr John Mackenzie one of the principal Clerks of Session at Edinburgh Scotland.
Endorsed: From Doctor Monro.

51. From Dr. Monro.

London, 11 December 1694.

Sir,

I have your letter of the date the 4th current. I am glad that the books I sent yow are safely come to your hand. Another and I made all possible search for illuminated Cuts, but could find none in all London. Yow may be very sure I would have sent yow the best in their kind that I could meet with. The books and Cuts I bought for 49 shillings, and all is paid. I accept of your offer for which I thank yow. Yow run a fair hazard of your money, but I hope it is not desperate,—*Informes hyemes reducit Jupiter, idem submovet.*[1] But all the consolation that is borrowed from Philosophie, will not make up a legal security. Yow resolve to cast your bread upon the waters. I wish yow may find it again when these dayes are over. I am very sensible of Mr Monnypenny's friendship, and I hope he will see that affair brought to some desireable conclusion with all possible expedition. I do not importune him, or any whose kindness have engaged themselves in it, tho' I venture to tell yow that their dispatch will

[1] Horace, *Odes*, ii. 10.

double the good office done me. Yow may at all times venture to dispose of any of my books that are in your keeping, especially in favours of a friend; and since yow exercise your liberty so cautiously, I lay no restraint upon it. My wife told me that there was one of the three books that she brought hither that yow seemed to fancie. If yow please to name it, I can send it back to yow; and if it be Marcus Aurelius Antoninus, I can send yow a much better edition than that which yow saw, I mean Monsieur Dacier version and Annotations:[1] and if yow have it not, it is worth your while (at least in the vacance) to read it, for I am apt to think that some chapters in it have a greater tendency to promote vertue, and the contempt of the world, than most of the Sermons that are preached by narrow and factious spirits: but whether this be the book or not, any of the three are at your service. I wrott to yow before once and again that I thought that the Cuts I sent yow were indeed Apocryphal in their own kind, but none else could be had. The Orthodox Clergy that are in possession with yow may hope to continue in their livings, if they are unanimous amongst themselves, and hit such arguments, in their Remonstrances to the Court, as may engage the Clergy here to assist them. Their great enemie is removed the late Archbishop of Canterbury.[2] Let them continue to sing with greater zeal *Exsurgat Deus et Dissipentur* etc. I cannot say that he that is promoted is very forward to serve them, but they that are their friends can manage him. If he had been thorow paced for the Church, it is like that he had not been advanced at this time. I never hear from Mr Denune. He lives so much now in the political a . . . . .[3] he dreads the conversation of such as may teaze him with scraps of Seneca and Epictetus. However let such of the Clergy as yow

[1] *M. Aurelius Antoninus, his Meditations concerning himselfe. Translated out of the originall Greeke, with notes, by M. Casaubon. Fifth edition. To which is added, the Life of Aurelius, with some select remarks upon the whole.* By Monsieur and Madame Dacier. 8vo. London, 1692.

[2] Archbishop Tillotson died 22nd November 1694. He was succeeded by Thomas Tenison, translated from Lincoln.

[3] Torn at seal.

have oecasion to advise be put in mind to adhere to their Orthodox Principals, to assert Episeopaey, for I assure yow the Clergy here will eoncern themselves but very litle in the safety or preservation of presbyterians, of whatever figure, size or denomination. They are here apprehensive of their own danger from fanatieism, and I believe they are a thinking of the methods how to defend themselves, and unless the fanaticks of Scotland pull down the Chureh of England, the Chureh of England must some time or other blow up the foundations of Presbyterie in Seotland. Give my humble service to your Lady. My wife remembers yow both with all gratitude. I wish yow a good Christmass. This is from

Your

Al. Monro.

Addressed: For Mr John Mackenzie one of the prineipal clerks of Session Edinburgh Seotland.
Endorsed: Doctor Monro.

52. From Dr. Monro.

London, 29 December 1694.

Dear Sir,

I wish yow and yours all health and happiness for this and all the remaining years of your life, whieh I pray may be many and prosperous.

I knew that a great many letters were written to Seotland by the last post signifying that Q. M. here, was dead, but she was not dead when they wrott their letters. She expired not untill a quarter past one in the morning, yesterday.[1] Upon such oecasions yow know all kind of people eomment on publiek events. There is nothing eertain in humane affairs but that an unerring Providenee interposes in the management of them, and frequently baffles and eonfounds humane thoughts by a eonduct that is as surprizing as it is hidden and unobserved. The Philosophy of M. Aurel: Antoninus made him worthy of

[1] Queen Mary died of smallpox at Kensington Palace, December 28, 1694.

the government of this terrestrial glob. No man understood it better than he, because no man wrott of its vanity and uncertainty with more life and feeling than he did, and many of his thoughts are exemplified to our view in the death of this Princess. She was to look upon as gracefull, healthfull, and spiritly as any in the three kingdoms but nine dayes ago, and now in the possession of death. The Physicians never agreed in the name of her disease, except only in this that there was a complication of maladies, every one of which was deadly. Small Pox, Measles, and spotted fever, and Saint Anthonies fire were some of those they named.

Some time ago I wrott to Mr Denune about some trifling affairs that concern him and me. If yow see him bid him return me an answer. I bid yow heartily farewell. I will be glad to hear from yow when your conveniency will allow it.

Unsigned.

53. From Dr. Monro.

London, 3d January 1695.

Sir,

I have your letter of the 25 of December, which I received the last post save one for which I thank yow with the same bluntness that I used in many former instances of this nature, yet still with that sincerity and feeling that are due to kindnesses that are as oft repeated as they are seasonable.

I thank Mr Monypenny heartily for his endeavours in that affair. It may serve me in some stead to know whether I may expect any thing of it. I will be sure to send yow M. Aurel: Antoninus with Dacier's Notes, and that Boetius which my wife brought hither. I wish with all my heart yow had keept it when yow took notice of it, for I never read a word of him since last I saw him. The Notes are indeed the best that are extant. I read him all over at Edinburgh. I wrott to yow by the last Saturdayes post of the Q. death. I wrott long ago to

your friend in the country by your mediation which I hope he will lay to heart. If his encouragements then were considerable, they are still the same. It is neither necessary nor expedient to multiply words to this purpose. The present situation of affairs make it very safe for him and his friends to let all men concerned see that they are as valuable, and as much worth the keeping, as their more troublesome neighbours. All of us here wish yow and your lady and children all happiness for many years, and for this time I bid yow heartily farewell.

Al. Monroe.

When your leisure allowes it tell Mr Robert Innes that I am obliged to him, and that the knowledg that I have of his worth and vertue make the thoughts of my obligation to him very easie to me.

54. From Dr. Monro.

London, 16 March [16]95.

Dear Sir,

I must confess I have been very troublesome to yow this while bypast. If yow had not interposed, I beleive the event had been dismal enough. I have considered the proposal of Cathness. It is from this place five hundred mylls by land, and all my family are so tender that none of them can endure a sea voyage. Next to the preserving of life, I would gladly endeavour the education of the two young ones that remain. I am in hopes to get Jamy into one of the Publick Schools of Eaton or Winchester. If this can be procured, he is provided for all his life-time, such is the nature of either of these foundations. I am infinitely obliged to those worthy gentlemen, who would protect me in that retirement. If it must be so speedily disposed off, or if it requires the exercise of the Irish language, upon any occasion, I must let it go; yet I am resolved to be advised by my friends and by your self in particular, when yow inform your self of the state of that country, whether the gentlemen, who would protect me, might not run some hazard by doing of it, whether

I could be allowed to stay here two months longer, whether they are all unanimous in the proposal, whether there be a good school in the place. It is very comfortable to me to think of such a solitude, in which *Pelopidarum facta neque nomen audirem.* I suppose the affair of Newton is cooled, perhaps altogether let fall; but the thing has been practised in several instances. If the opposition be made by Mr Bannerman the Minister, as I am apt to think, I hope he may be mitigated, but I can say nothing at this distance. Continue your kind projects, because yow have begun them, and if this be not a good argument, I have never a better, neither from my self, nor from my present hopes and circumstances. The King yow know loses his right to any tribute where there is nothing to pay. I am fully resolved to make some one effort or other this Summer, that I may not be so troublesome to my friends as of late I have been. But, *heu nihil invitis fas quenquam fidere divis.* God only prospers or defeats all humane thoughts and contrivances.

The papers yow recommended to me from Mr Charles Mackinnon are sent to the Streights a good while ago enclosed in a letter from me to Mr Mackie, in which I gave him my address. If any return comes, he may be very sure I will take care of it. I cannot by no enquiries that I make know whether Mackie be dead or alive. I would have sent your books long ago but that I cannot meet with a sure bearer, which I hope may offer when the crowd of our Scots people remove from Court to wait upon [. . . . . Par [1]]liament. My wife and I are very glad to hear [that your [1]] lady is so happyly brought to bed of a boy.[2] I pray [God [1]] preserve him, and your other children, to your and her comfort and satisfaction. There is some reason in the publick affairs that may damp your Episcopal Clergy, but nothing marrs their business so much as their faint heartedness and their want of unity among themselves, otherwise the slippery state of all things would

[1] Torn at seal.

[2] The boy was Alexander Mackenzie, born February 8, 1695, who succeeded to Delvine in 1731. See Introduction, p. 198.

procure them sueh a respite from their enemies ; but they let very many lueky hits go in which they do nothing. I intreat yow to let me hear from yow by a long letter, what yow please is most weleome, and yow will beleive this because yow know my Genius for flattery is equal to my skill ; *Omne velamentum rejicit veritas, quia nitidis suis coloribus pulchrior et major quolibet apparatu.* This is from

Sir

Your most obedient Servant

Al. Monro.

Addressed : For Mr John Maekenzie one of the principal clerks of Session Edinburgh Scotland.

Endorsed : From Doetor Monro.

55. From Dr. Monro.

London, 18 Aprill [16]95.

Sir,

Your two books (whieh I thought to have sent yow long before now) are delivered some time ago to Mr John Dickson a gentleman one of my lord Chaneellour's attendants. One of the books viz. Boethius in usum Delphini is somewhat ruffl'd in the broads by its being earried last from Seotland hither. I add this beeause I would not have any body blam'd for it. The other is M. Aurel: Antoninus of Daeier's translation in two volums in 8tavo. These three books are put up in gray paper. When Mr Dickson arrives yow may eall for them, and for that purpose this note may lie by yow untill yow are in possession of your books. I wish yow other consolations than those that are afforded by Philosophy, yet I think no satisfaetions can have their true relish, or serve their proper end, unless they be under the light and eonduct of its rules. I wish yow and your family all health and happyness.

Sir

Your most affeetionate humble Servant

Al. Monro.

Endorsed : From Doctor Monro.

56. From Dr. Monro.

London, 19 September 1695.

Dear Sir,

I forbore to make any return to your last untill now, that I might let yow see how cheerfully I comply with what is so kindly recommended. I have no inclination (I thank God) to meddle with the publick: and I had never been talked off for things of that nature, if some (who might be better employed) did not single me out for their hatred and violence. This (considering the unreasonable persecutions that I endured) made me sometimes talk with more freedom than caution: and a complication of disasters following closely, one upon the heels of another, occasioned my being uneasy to my self as well as to others, with whom I converse. So many faults put together are not like to make a good apology; but when they are considered on all quarters, charity will extenuate them. I wrote in an unusual manner not long ago to a certain friend, not knowing then but that I might be so unfortunate as to be mistaken by every body: however I am sufficiently eas'd of that thought, tho' still under the bondage of much irresolution and anxiety. I thought that before now some one crisis or other might determine such as have nothing in their view but to serve God in simplicity, according to the best light that he affords, and tho' there was no uncertainty in the outward face of things, I have still so many enemies as will not fail to crush me in my most innocent designs. I once thought to have retired into Scotland, thinking that I might live there as others did, but when I remembered how odious I was to the Party that is uppermost, the fancy vanished; and now I hear that all meeting-houses are restrained. I wish I could serve any society of men in my own countrey. It is great impertinence to give yow perpetual trouble by such stories; but this is the necessary consequence of your conversing with them that are uneasy.

I am glad that yow are pleased with Dacier's Notes on

M. Aurelius. If there be any other book that may serve for your divertisement, I desire to be acquainted. The Oxford Thucydides [1] has not yet appear'd here. Mr Dryden is a translating of Virgil,[2] and Sir Roger le Strange is working at Josephus.[3] Pliny's Panegirie to Trajan is lately published with Baudius notes.[4] The session draws near; and it will be impertinent to entertain yow with such trash.

If the affair of Newton can be revived, it shall never be a whit the less welcome that I have already lost all hopes of it. I am heartily sory for your own particular losses, and for my Lord Linlithgow [5] also, whose death must needs be very greivous to all good men with yow. My humble service to your Lady and family. I continue in the old manner

Sir

Your Faithfull humble Servant

AL. MONRO.

Addressed: For Mr John Mackenzie one of the Principal Clerks of Session Edinburgh Scotland.

Endorsed: From Doctor Monro.

57. FROM DR. MONRO.

London, 15 October 1695.

SIR,

Sometime ago yow sent me a bundle of papers to be transmitted to Mr Macky seaman aboard the Warspight.[6]

[1] *Thucydidis de Bello Peloponnesiaco libri octo. . . .* [Greek and Latin. Edited by J. Hudson]. Fol. Oxoniae, 1696.

[2] *The Works of Virgil: containing his Pastorals, Georgics and Aeneis.* Translated into English Verse by Mr Dryden. Fol. London, 1697.

[3] *The Works of Flavius Josephus,* translated into English by Sir R. L'Estrange. . . . With maps, sculptures, etc. Fol. London, 1702.

[4] *C. Plinii Panegyricus Trajano dictus, annotationibus antehac ineditis D. Baudii. . . .* 8vo. Lugduni Batavorum, 1675.

[5] George Livingstone, fourth Earl of Linlithgow, who led the attack on the Covenanters at Bothwell Bridge. He submitted to the Revolution Government and became a Commissioner of the Treasury under King William. He died August 7, 1695.

[6] There has been a *Warspite* in the Royal Navy since the days of Queen Elizabeth. The first ship of the name was the flagship of Sir Walter

I find that the letters went safely to his hands. 'Tother day I had a line from him aboard the forsaid ship riding in the Downs, wherein he informs me that he sent by another hand, that was going for Scotland, his resolutions concerning those papers to his relations there. I gave the letter that he wrote to me to Mr Roderick MeKenzie that he might interpose with some one or other, that had interest in the fleet, to procure him the payment of four years arrears, the want of which reduces him to great inconveniencies; and this is all the account I can give of that affair.

I make it my humble intreaty to yow that if Mr James Martin (who lives with the E[arl] of Southesk) wants your assistance in any thing that falls within your province, yow would give it him chearfully, that he may feel there are some in the world who resents kindly the many good offices he has heaped upon me since I became thus *extra omne prædicamentum*. Yow'l forgive me this freedom; for it is not unlikely but that I may try your patience more, if I live any while. I long to hear from yow, but still upon the supposition that it is convenient. Let me know if yow received a book from Dr Skeen that I wished him to give yow: I have another to send yow, when I meet with a sure bearer, which I venture to do, because *Pollio amat nostram quamvis est Rustica Musam*.[1] I pray god preserve yow and yours, and I bid yow heartily farewel.

AL. MONRO.

58. FROM DR. MONRO.

London, 24 December [16]95.

SIR,

Tho' there be no holy-days in your Countrey, yet I may be reasonalby allowed to wish yow a good Christmass.

Raleigh. William III.'s *Warspite* was a third-rate of 70 guns. She was launched at Blackwall in 1666, saw much fighting in the Dutch Wars, was present at La Hogue, and served under Russell in the Mediterranean. She was paid off in 1697.

[1] Virgil, *Eclogues*, iii. 84.

I renew your trouble by this line, to acquaint yow that upon friday last the twentieth current Col. Robert Macky took journey from this place for Scotland, and the small bundle, containing six copies of my last Essay, against the New opinions, arc delivered to the Colonel's Gentleman, to be left at Madam Monro's lodgings for yow.[1] There are four of them guilded, and the names of such as they are designed for written upon the first clean leafe, before the title page. The other two, that are plain bound, are left to bc disposed of as yow see convenient. I could send yow twenty morc, if I knew how to transport them: but therc are a hundred of them sent by the bookseller already to your Countrey. The East Indian Act makes a loud noise here. If our Countrey-men understand themselves, and the present nick of time, and how to improve it, future generations may have reason to thank them. I hope they will lay hold upon it, even the Presbyterians themselves, that they may be an Evidence how true the Observation of our Saviour is, that the Children of this world are wiser in their generation than the children of light. I again wish yow a good New year and your Lady and Children all health and prosperity.

Unsigned.

Endorsed: From Doctor Monro.

59. From Dr. Monro.

London, January 18 1696.

Dear Sir,

I received your letter by the last post save one, which puts mc still more in your debt than I am likc to pay in hastc. I havc bccn now for some years very troublesome to yow. I bcgin seriously to consider the Overture that is madc to me of returning to Scotland, and I strongly inclinc to listcn to it, aftcr some days thinking. I hear,

[1] Evidently advance copies of *An Enquiry into the New Opinions*, etc. The imprint is 1696.

that several of your officers of State are to be changed: and when I know the outmost of that affair, I may then come to a final resolution. Provisions are so dear here at London, that it is impossible to continue in this place. I must of necessity return to Scotland, or retire to some other northern County in England. That which keept me here so long, was the hope of disposing of my son to the best advantage; but that seems to fail me at present; and the plain truth is, nothing tortures me more, than that I was not able to give him that education which was agreeable to my inclination and his capacity: for no private endeavours are equal to the Publick Schools: however I hope it is not yet past recovery. When your leisure allowes yow to write again, I intreat yow would let me know whether I might not live in some place of Lothian, if yow think it impossible to live at Leith or Edinburgh. If innocence and retirement, and the greatest solitude can secure me from trouble, I am fully resolved, my enemies shall have no occasion to give me the least disturbance. Perhaps your self and Mr Martin may think upon it. I am informed, that there are some places in the North of England, where one may live at as easy a rate as in any place of Scotland, but I have no fondness for any one particular habitation in England. I will presume to write to yow more fully of this affair before the weather grow warm enough for travelling, and I shall be determined by your advice and his that I last named, to all intents and purposes. Mr Roderick McKenzie was lately indisposed; this was the reason why he delayed to make any return to your letters: I hope yow have heard from him before this comes to your hands. I earnestly intreat, yow will let me know (as yow promised in your last) your thoughts of that little book that I sent yow; *Legas amica severitate, sed clementia tibi maxime propria temperata: non doctis scribo, sed popularibus meis.* Yow see how difficult it is for a pedant to forbear speaking Latine. I hope yow will consider particularly the reasoning part, and let me know the flaws that are in it. When your Vacance returns, I will then venture to send yow the News of such

books as appear in these parts of the world. I pray God preserve yow and all your relations in peace and prosperity. This is from

Your most affectionat servant

Al. Monro.

Endorsed: From Doctor Monro.

60. From Dr. Monro.

London, June 30 1696.

Sir,

If the reports you have heard of me at Edinburgh some months ago were true, the least correspondence with me would not only be scandalous but very dangerous. I know your employment obliges you to hear with both ears, and your natural inclination to justice much more. If I had meddled in things without my sphere, beyond my reach, or any ways inconsistent with my profession, I would not have the confidence to justify my conduct, or to divert the censure that I deserv'd. But I hope you will believe, that the Unfortunate are not all ways the most criminal, and that the train of disasters, which made my life so calamitous since the first of March last, is not to be imputed so much to any fault of mine, as to the implacable malice of others: and because they can do nothing but vex me, they are resolved to continue my trouble as long as it is possible for them: and perhaps, their being defeated in what they intended (as to some parts of their cruelty) is a greater mortification to persons of their pride and insolence than my tedious imprisonement hath been to me. If the Habeas Corpus Act had not been suspended, I had been at liberty before now: but as things stand (having no great friends to recommend my affair) I am very uncertain whether I can get out before the month of September next. You need no other demonstration to let you see, that nothing occasioned my trouble but the revenge that was intended by particular persons, but that they were so earnest to have me sent prisoner to Scotland, since whatever is pretended against me must needs be

committed (if at all) here in England, where they have sense enough to discern the nature of it, and sagacity to find it out, as much as in any other place.

I dare recommend the Bearer to your friendship and acquaintance, as being a person of good learning, great sobriety and discretion; and I hope you will find him so, when the throng of your business will permitt you to allow him some part of your time to converse with him. I am credibly informed, that we shall have a General Indemnity for Scotland as to what is past. If this hold, I have some thoughts of retiring thither, to some corner for a year or two, after I have received your own advice upon that subject. And if there be no General Indemnity, I think I can make interest to procure a particular one, not that I acknowledge any guilt with regard to the publick, but that I love not to be under the feet and arbitrary proccedings of such as love to make the publick government truckle under their private revenge. Let me again recommend the Bearer Mr William Irvin to your favour and kindness. Pardon this trouble. Such as are opprest have a custome of telling their own stories to every body, tho' never so unseasonably: and you have had your own share of this kind of persecution from me. I pray God have you and all yours in his keeping. This is from

Sir

Your affectionate friend to serve you

Al. Monro.

61. From Dr. Monro.

London, 25 September 1696.

Dear Sir,

I thank you heartily for your last letter, and I would have gladely done so, tho' it had not contained such repeated marks of your goodness to my self, and of your solicitude for my late Disasters, which tho' they are over yet they have left some scarrs behind them that are not casily remov'd. I would have written to you long ago, but that I am afraid of the ordinary post, and some

people might improve it to your disadvantage, to hold any correspondence with one that they are resolved to make a Criminal, tho' his Innocence bids them defiance. I want to be advis'd by your self whether I may not retire to some solitude in Scotland, if I live to the next Spring, and if that be not convenient, whether I may not go to some little place upon the Border? I earnestly intreat to have your advice as to this; for this place becomes uneasy in many more sences than one. Give my humble service to your Lady and Children. I am glade to hear by Mr John McKenzie that your eldest son is so hopefull a boy. I pray God preserve all of you. I continue

Sir,

Your much obliged Servant

Al. Monro.

This very day of the month (six years ago) I was turned out of the Colledge by a sentence of the Visitation.

Endorsed: From Doctor Monro.

62. From Dr. Monro.

London, 16 November 1696.

Dear Sir,

I hope you have received my last letter which went by the Black Box, and was (I think) delivered by Mr Lindsay or some one or other intrusted by him, in which I informed you that I received your very seasonable Bill for ten pounds, a little while after I was set at liberty. For three months I enjoyed some rest and quietness, after the 30 of July last: but upon the tenth of November instant, I was summoned to appear before the Justices, at Westminster, in order to be prosecuted, by vertue of an Act of Parliament, against such as have not taken the Oaths. I am not the onely man here that may be afraid of that Act; many are in my circumstances: and we are in good hopes, that their fervor may abate. Notwithstanding of all this, I find the diligence of some people so keen against me in particular, that my present habitation becomes very un-

easy : and I begin to think that there shall be a necessity for me to leave this Island sometime the next Spring, if I am not suffered to live quietly in some solitude in Scotland. However, when the Sessions are over, I expect your particular advice ; I cannot reasonably look for it sooner. I do not complain of my uneasy fate ; I onely wish I had been less troublesome to them I love, and have reason to honour. Life is short : and I feel my tabernacle much more crazy than it was. And if I enjoy a little respite from many disasters before I leave the world, even so much time as to die peaceably and calmly, I have all that I desire. That saying of Tho: A Kempis was perpetually in my thoughts ; *Cur quietem petis, cum sis* [. . . . . .[1]]. Perhaps it may be difficult for me to make any good excuses why I should write such stories to one that is engaged in business and incumbrances. But you know that I am deprived of all other opportunities of preaching to my friends : and it is not altogether unnecessary to think of the vanity of the world, even when we have most to do with it : He, whose thoughts are above it, may more safely meddle with it : as long as you allow men of my humour and circumstances any share in your conversation, you must hear now and then such Monkish stories. I give your Lady and Children my most dutifull respects, and I continue, in all duty and affection,

Sir,

Your much obliged Humble Servant

Al. Monro.

63. From Dr. Monro.

London, 14 January 1697.

Dear Sir,

I wish you and yours a good New Year. I was glad to hear by Mr Bernard Mackenzie that you kept health. I presume to give you this trouble at present, that I might the more safely convey the enclos'd and desire you to assist Dr Skeen as much as you can conveniently, to

[1] Writing stained and indecipherable.

return a satisfactory answer to those Queries that I have proposed to him, in a letter sent by this very post. Such as are idle are most apt to trouble others with impertinent stories. But you will pardon me to bespeak your favour in that affair, by directing the Dr how to return a true and just account of those things.

I thank God, I am at liberty for the present. What many of us may expect hereafter is uncertain, because the measures of those above us may happen to cross our wishes. One thing I do promise to you, that if innocence and caution can preserve me from publick censure, I shall never fall into the clutches of a gaoler. I have wrestled with a stubborn cough for a quarter of a year, and I find it is not so easily remov'd as I thought. I was accustomed to walk much abroad, which contributed to my health: but being confin'd to a garret for five months in the Summer time, I fell into that ill habit of body since, which I now strugle with. I do not expect to see a line from you untill the Session is ended. I pray God preserve you, and direct all your thoughts and actions to all possible success and safety. This is from

Sir

Your most affectionate and most faithfull servant.

Unsigned.

64. From Dr. Monro.

London, 13 April 1697.

Dear Sir,

Your friends here have been allarm'd with your late indisposition, and the more that they had no certain account of it. I am apt to think that it might have its beginning from your too much application to business, which, more than any thing else exhausts the spirits: I hope the worst of it is over and that you will manage the interval of the Vacation so advantagiously for health so as not to fear the return of that distemper. I humbly beg to be remembered to your Lady and Children, to whom I wish all prosperity. The Bearer can tell you all

the News that are current in this place if they be not too old before he is arriv'd. It is by your command that I expect Mr Denun will let me have another letter when his leisure will allow it.

I have sent by the Bearer Dr Drummond three Medalls, which you will be pleased to lay up amongst your antiquities. The intrinsick value holds some proportion with the state of the Abdicated Clergy; but the extrinsick value you may raise as high as you please, because that depends purely upon the fancy which may be rais'd or sunk, as a man is in humour; and if you have no opinion of such Trifling Bables you may bestow them on any of your friends that love to make up collections of that nature. They are all three of great antiquity, but I can read none of them distinctly but that of Titus Vespasian. Having so little to say I durst not have written to any other. I hope you will place it amongst the venial sins of

Sir

Your most obedient humble servant

AL: M:

Endorsed: From Doctor Monro.

65. From Dr. Monro.

London, May 13 1697.

Dear Sir,

I presume to interrupt your vacation hours by this line (believing that you are in perfect health). The matter is no more than this, that his Grace the Duke of Queensberry some feu days ago promised me (by the interposal of a friend) a vacant stipend of one of those Churches that are at his gift and patronage, of which there are a great many within his bounds not yet supplied: and his Grace desires, when he arrives in Scotland, to be put in mind of his resolution. I know the Duke is hearty and cheerfull in his design, which (I hope) may prove successfull, if he is directed right in the manner of Conveyance: to remove which difficulty, I must flee to your conduct and assistance.

Mr David Dowglass Advocate [1] promised me, that you and he would take such measures as might speedily put the Duke's design in execution, tho' the Acts of Parliament, that regulate such donations, are restrained by many uneasy limitations. I can assure you, that the Duke is cheerfull; and I shall think it very hard, if there be not some door or other opened to evade the Letter of a Law, which (many are perswaded) is not *jure divino*, no, nor agreeable to the Rules of Common Equity and Justice. But I beg your pardon for this excursion. I am not to suggest methods of Conveyance to you or Mr Douglass: I am very sure, (when ye meet together) you will be able to direct his Grace how to do it: and if, to all this, you can add the kindness of doing it most speedily, you double the good office. It is needless to tell you how much it may be wanted before it can be had: and if at all it can be made good, I look upon it as so much immediately sent from Heaven.

I lately had an accidental rencontre, at a certain Lady's lodging, with Mr Johnston, late Secretary: you may be sure, the Lady, and he, and I, and all three thought ourselves out: but by the discretion and mediation of this Lady (after some short confused preambles) we fell upon several things, in which I let him freely understand, that I defyed all Christendom as to any accusation wherein the State was concerned: and as for the KIRK, I avowed all that I had done against it, and I was not to receive directions from any engaged in their quarrel, how to behave in things of that nature. I treated him with all possible discretion, but so as to shew neither obligation nor dependance. Upon the whole matter, I believe, he repents what is past, and will do so no more: nor is he now such a friend to Presbytery as he seemed to be, tho' I think him of a more fashionable Religion, than to give himself any trouble about the New or Old Testament. I give you this account of what past, that (when you see

[1] David Douglas, admitted Advocate March 27, 1685; Sheriff Depute of Dumfries, 1691.

Mr Denun) you may tell him, he needs not continue in his panick fear; for he may write to his friends when he pleases. Give my dutifull respects to your Lady and Children; for I am

Sir,
Your most obedient servant.

Unsigned.
Addressed: To Mr John Mackenzie one of the Principal Clerks of Session Edinburgh Scotland.
Endorsed: From Doctor Monro.

66. From Dr. Monro.

London, June 12 1697.

Sir,

It is not with any design to make you uneasy that I renew your trouble by this line, when the hurry and multitude of affairs do engage your thoughts another way, but only to put you in mind to speak to Mr Dowglass the Advocate, to know, whether his invention be equal to his intended kindness for me; for if there be not a method proposed, whereby my Lord Duke of Queensberry's favour may be made practicable, I am afraid our schems may vanish into a dream, and be utterly defeated when I most need and expect a relief from them. Mr John Mackenzie and I both complain, that we have not a more perfect account of your health and recovery, which (I pray) may not be interrupted by the noise and confusion of your Courts of Judicature. I give my most humble service to your Lady and Children and I continue

Sir,
Your most humble and most affectionat Servant.

Unsigned.

67. Bill sent to Dr. Monro.

Edinburgh, June 12 : 1697. £10 : 14 : 6

At Three dayes sight Pay this our second p[er] Ex[chang]e (Our first of this date and tennor not p[ai]d unto Doctor

Alex[ande]r Monroe or ord[e]r Tenn pound fourtcin shillings and six pence Sterling in milned or Guineas Value reccaued of Mr Jn°. McKenzie as p[er] advyce.

GEO: CLERKE & ALLEX^R. CAMPBELL
: : 1697.

To Mr James Foulis
merch[an]t in London.

68. FROM DR. MONRO.

London, July 13 [16]97.

SIR,

I should have signified to you long ere now my receipt of your last letter and all that it contained, but I expected to have sent it with a Gentlemans servant that goes from this place, who is not yet ready: and besides, I have such a notion of the disturbance that the affairs of the Session may give one in your post, that I was willing to delay my return the longer, believing you would still interpret my silence in the best sense; nor shall I at present teaz you any more with what I formerly recommended, since your last letter gives me such a prospect of it, as the nature and uncertainty of the thing will allow. I am very sensible of Mr Dowglass good inclinations towards me: I hope you shall find out some one medium or other to make it effectual.

Mr Archibald Campbel, sone of the late Lord Neil Campbel, took journey for Edinburgh from this place yesterday: his affair is with the Earl of Broad-Albane. If you be not engaged any way in a party opposite to him, I make it my most earnest and humble intreaty, that you would give him your best advice and direction. I am infinitely obliged to him, being in perfect friendship now for several years: a man of excellent principles, tho' he has had the worst education in his infancy that one could imagine: his present temper and byass is a plain confutation of all the opinions *ex traduce*: he is acted by

such principles as are the result of his own reasonings, being no slave to any prejudices of his infancy: he has ado with people that are very nimble in managing of business. And if there be any further difficulties that may vex him, I beg it of you to give him your best advice, with that candour and openness that is peculiar to your self. I have no more to add at present, but that I beg your pardon for puting you to the toil of reading so many words. I wish you, your Lady, and Children all prosperity and happiness, and I continue,

Sir,

Your much obliged and obedient servant

Al. Monro.

69. From Dr. Monro.

London, 15 July [16]97.

Sir,

I hope my last letter is come to your hands before now, wherein I made some apology why I had not sooner acquainted you that I punctually received not only your last, dated the eight of July, but your former also dated the 15th of June, together with all that it contained. I desired Mr John MeKenzie the next post after I had your letter to acquaint you that I received it. Aecept of this as an additional exeuse why I was so long silent. Your letter camc to my hands very opportunely to blunt the edge of some people who began to be very impatient for their money. Our mortifications of this nature are frequent enough: I wish they may not be able to make us impudent or impertinent. I gave a hint of this in a letter to a friend at Edinburgh; perhaps the eoneern he expressed eoneerning me might occasion what you have heard upon this subject: and tho' the thing was in it self true, yet I did not at all design it should make any noise. I thank the Gentleman whom you mention in your last letter: I was formerly obliged to him. To ease my own mind, and to lessen the frequent trouble I give my best friends, I

proferred my serviee to several people whose Children were going abroad, to attend them in their travels: but nothing of that nature has yet been listned to, they have such a general inclination to be served by the Freneh Refugees, that they prefer them to all others, tho' in the mean time, the combing of their perewigs is the most material part of their education, in the hands of such superfieial Governors. I hope a little time will set me at liberty to dispose of my self so as I may not be such an idle excreseenee in the World as I have been for seven or eight years. You need not fear the miscarriage of any letter that is addressed as yours are, whether they eome by the ordinary post, or under Mr L's eover.

I do again recommend Mr Arehibald Campbel's affair (of whom I gave you some aceount in my last) if you ean do him any kindnesses by your adviee and direetion. As for the grand affair of the D[uke] of Q[ueensberry] you know it is so neeessary in my present cireumstances, that to intreat you to look after it were to vex you needlessly and foolishly, since you will do all that the nature of the thing will bear. If it miscarries, I ean not help it: I shall not be so extravagant as to think, that you did not mind it seriously: an affair of that nature must be managed with decency as well as earnestness: and persons of his quality are not to be importuned, unless they do things freely. I should be very sory, that (to ease me) you should be put to the drudgery of addressing any man upon Earth, unless in a very lucky moment. I wish I had any present prospect that this should be the last trouble of this nature I should give you: but it is reasonable to hope, in the lowest ebb of fortune. I give my dutifull respects to your Lady and Children, and I eontinue for ever

Sir,
Your most Obedient Servant,

Al. Monro.

Addressed: To Mr John Maekenzie one of the Prineipal Clerks of Session Edinburgh Seotland.

70. From Dr. Monro.

London, 28 September [16]97.

Dear Sir,

I should be the greatest Infidel imaginable, if at any time I could entertain the least suspicion of your great care for me, or activity, about the affair I lately recommended to your conduct and kindness. The Duke is not yet arrived here. I intertain good hopes of success, it was so far advanced by your prudent and seasonable application. After his Grace is sometime here, I will be able to give you some further account, since I engage you in all the troubles that have befaln me now for eight or nine years. But since there is a peace concluded, it is reasonable to expect, that the publick Councils may find out some expedient or other to mitigate the sufferings of innocent people. I hope, God, in his providence, will open some one door or other for their relief. I give my dutifull respects to your Lady and Children, and I shall ever remain

Sir,

Your most faithfull friend to serve you

Al. Monro.

When you do me the favour to write direct it thus; for —— at Mrs Norris in Little-Peter-street near Golden Square, since I am now removed from where I was.

Endorsed: From Doctor Monro.

71. From Dr. Monro.

Dear Sir

Some dayes after the Duke of Queensberry arived here I saw Mr Stewart from whom I received your letter in the same figure and with the same contents as yow gave it to him. It seems that I have been onely born to give yow trouble. I shall be able in a few dayes to know what may be expected from his Grace in the affair I formerly

mentioned. I truely think himself to be of an exeellent temper. I pray God have yow and yours at all tymes in his keeping and under his protection. This is from

Sir

Your most obedient servant

Al. Monro.

12 October 1697.

Holograph.

72. From Dr. Monro.

Dear Sir

I have presum'd to send you the inclosed copy of an original paper which I keep by me. I had no trouble in my mind upon the aceount of what malitious people might spred of me, but it vex'd me to the heart to think that you or any of my friends might be tempted by the clamor rais'd against me, to beleive that I had stept at any time out of my own road to medle with intrigues of State eontrary to my eonstant byass, and truely above my level and eapacity, tho' my eircumstanees had allowed me greater liberties than I enjoyed now for nine years. The person of quality with whom you interceeded to shew me a favour hath been kind to me, and Mr Stewart one of his gentlemen has been very instrumental to give him good impressions of me, but the project it self that I once faneied is at length eome to this that if any of my friends in Scotland (when he himself is there) will name any of those churches vacant that are at the Kings gift he will procure the stipend of it for him whom you recommended. I wish you and your family a good new year. Pardon the trouble I give you at a time when I know your incumbrances of another nature are so many. This comes from

Sir Your most obedient servant

Al. Monro.

London, February 5 1697/8.

Endorsed: From Doctor Monro.

73. From Dr. Monro.

Dear Sir

When I received your letter dated the sevententh of February last I was some time befor and sinee taken very ill of a violent cold which threatened me more than any thing that I formerly felt for many years and when I began to reeover of this distemper there succeeded a Rheumatic pain in my right thigh that does not allow me yet so much as to sit and it continues still so obstinat that all endeavours hitherto to remove it have been in vain. This is partly the reason why, I have not been so civil as to return you my thanks for your last. Some time before I had your letter I wrot a line in whieh I inclosed a copy of a eertificat left by Mr Simon Weild upon his death bed, wherin he deelares the unworthy and basc artes had been uscd to make him accuse me some time before I was taken into eustody but I perceive this letter has miscarryed: I desired my good friend Mr John Mackenzie to acquaint you that I had your letter but perhaps he had forgotten it; he enquired if I eould dircct him where to get you a house Bible but there is none to be got unless some one or other of those that have been printed at Oxfoord bcfore the Revolution ean be had; the papcr that they made use of sincc that time is good for nothing and I would not have you hasty in buying of any untill it can be had very good. I long to see the large letter you promised to write me and there is no mediein morc proper to revive me than to know that all things sueceeds well with you. There was latly a book sent me from Scotland written with great passion which represents your friend as a papist but the author of this book understands popery mueh at the same ratc that he does Christian religion. I beg your pardon for this idle chat and I continue

Dear Sir

Your most obliged humble servant

Al. Monro.

London, April 9 1698.

74. From Dr. Monro.

Dear Sir,

Since so many kynd freinds have wrytten to Scotland of my present condition, I thought the constant conceerne yow took for my preservation and weellfare when I was in health obliedged me to give yow this short account of my present sicknes, I have now for near four moneths endured such variety of torment by Rumatick paines that it is a miracle to my selfe that I am able to dictat these few lynes to a friend that wryts for me. They have at length brought me so loe and lean that I cannot either go to bed or stir out of it, but as I am caried and yet the paines continue in ther violence still. The Phisitians have gon through all sorts of medicaments to abate or remove them but hitherto without succesee. They are so complisant as to say that still I may outlive them but I should certainly be a mad man or at least a verie bad Christian if I thought so. I have no maner of appetit. I am perpetually confyned to bed in the hottest weather nor cane I sleep but when it is forced, and that is some degree of stupifyeing rather then any naturall rest. I give yow this short hint of the profound resentment [1] I shall retaine even at the houre of death of your unparraleld kyndnes and friendship for me. I have nothing to recomend to yow but what your owne reason and the principles of the best religion will infallibly conduct yow to, and I heartily pray God to have yow in his speciall keeping all the periods of your life for the support of your family and the comfort of all your relations. This miserable life is but a scene of darknes and confusion. When wee approach the grave then the scales begin to fall from our eys and wee discover the impertineneie of the world in mor lively collours and our owne great follies that so few of our serious thoughts have ther been fixt wher true joyes are to be found. Dear Sir I take leave of yow and I continue what I ever was Your most obliedged and most loveing

Unsigned, and without date.

Endorsed: From my dear dieing Doctor Monro.

[1] *Resentment*—used in its obsolete sense of grateful appreciation of a service or kindness.

JACOBITE PAPERS AT AVIGNON

With an Introduction and Notes by

HENRIETTA TAYLER

INTRODUCTION

It has often been surmised that, although all really valuable papers connected with the exiled Stuarts found their way to Rome, then to Paris, and (such as were not destroyed) eventually to Windsor, there might be some, dealing with personal details of the sojourn at Avignon, still preserved in that city. This has proved to be the case.

The Musée Calvet of Avignon possesses an excellent library, in the Manuscript department of which are bundles of old letters, etc., and several manuscript journals of the period, which provide interesting reading. As the portions of these later documents, which deal with the distinguished Scottish visitors, are sandwiched in between accounts of local politics, news from every quarter of Europe, comments on the weather, and a great deal of gossip, it is not possible to print anything like a complete whole, which would be tedious, and the greater part of which would not bear upon the matter in hand. Extracts, therefore, have been made, and appear for the first time in Britain. In the end of the last century a local antiquary, Monsieur Marchand—he was, in fact, a dentist in Avignon—published in *Mémoires de l'Académie de Vaucluse* a chatty paper entitled 'Les Stuarts à Avignon,' in which he made great use of one of these manuscript sources, the Journal of Docteur Brun, which appears in the Catalogue of the Musée Calvet Bibliothèque as '3188: Extraits du Journal de Brun Médecin Avignonnais. Il a transcrit dans ce Journal le récit des évènements accomplis dans tous les États de l'Europe en y entremettant principalement ce

qui concerne la légation d'Avignon (séjour du Prétendant Jacques Stuart) et les affaires traitées a Rome.'

Monsieur Marchand draws most of the material he uses from this journal, from which extracts will be given later, many of them being without dates. Other records kept contemporaneously by inhabitants of Avignon are anonymous and were apparently unknown to Marchand. There are, besides, various letters bearing on the sojourn of the Stuart Prince in Avignon, proclamations, poems, etc., which will be given in full, and most interesting of all, a list, drawn up obviously by a French scribe, of all the Jacobites, English, Scottish, and Irish, who were present in Avignon in the month of August 1716. Some of the names are almost unrecognisable.

James Stuart himself, with the Earl of Mar and a few followers, arrived in Avignon on the 2nd April 1716, less than two months after he had left Scotland. Other refugees followed at intervals during the whole summer. During the winter of that year, from October to December, James was seriously ill, and in February 1717, owing to the threat that Cività Vecchia would be bombarded if the hospitality of Avignon continued to be extended to him, departed from French soil and went to Italy, where the fifty years of life which remained to him were to be spent.

More than thirty years later, after the failure of another Stuart rising, the papal city of Avignon was to shelter another Stuart prince. Three months after the peace of Aix-la-Chapelle, October 1748 (of which it was one of the stipulations), Prince Charles Edward was, at the instance of the British Government, turned out of Paris and sought refuge, as his father had done, as guest of the Pope.

Charles was doubtless aware that living in Avignon, having left Rome in consequence of some of the jealousies which devastated the small court there, was to be found his former governess, Marcelle (sometimes called Marjorie)

Murray, Mrs. Hay,[1] who had so exeited the jealousy of Queen Clementina. James had appointed her, as a Protestant, to the eare of the infant Charles, hoping thus to eoneiliate his followers who were of that faith, and this was one eause of eomplaint from Clementina. It is very eurious to find by her will, preserved among the papers at Avignon, that, as Lady Inverness, she died a Roman Catholie. The will is very short and gives no details beyond pious Catholie aspirations, and leaves everything to her brother, the Earl of Dunbar, her husband having died in 1740. It was proved in 1756, and is numbered MS. 1614. 54. It is diffieult to understand why it finds a plaee at all in the arehives at Avignon, as both it and the following doeument are eurtly marked ' inutile.'

The seeond is the will of the above-mentioned Earl of Dunbar, is numbered 1614. 61, and dated 1770. He was the seeond son of the fifth Lord Stormont; David, his elder brother, beeoming the sixth Viseount, and William, the youngest, beeoming the first Lord Mansfield. In his will he states that he died in the Roman Catholie faith. He desires that there may be no ' pompes funèbres ' at his funeral, but that a thousand masses may be said for the repose of his soul. His wateh he leaves to his nephew, Lord De'stormont (thus the Freneh seribe), and 50 livres d'or eaeh to Lady Lindsay (his sister Amelia, wife of Sir Alexander Lindsay of Eveliek) and two nieees, Margaret and Nicholas Murray. After the payment of these legaeies his ' héritier universel ' was His Eminenee Henry Benediet, Cardinal York. Charles was still alive, but he had quarrelled with

[1] She was the daughter of the fifth Lord Stormont, sister of the first Lord Mansfield and wife of Colonel John Hay, brother of the Earl of Kinnoull, who, having served King James both during the Rising of 1715 and afterwards as Secretary, was created on 5th October 1718 Earl of Inverness, Viscount Innerpefferay, and Lord Cromlex & Erne. In 1727 he was further created Baron Hay and Duke of Inverness, all of which titles died with him. He was also a Knight of the Thistle.

James Murray as with so many of his devoted followers. It is curious to think that in his youth James Murray had been for four years a member of the British Parliament, having represented Dumfriesshire from 1711 to 1713 and the Elgin Burghs from 1713 to 1715. At the election of February 1715 he was again returned, but was for some reason considered unduly elected, was unseated, and John Campbell of Mamore returned in his place. It was perhaps this circumstance which contributed to drive him into strong opposition to the Hanoverian Government; he was for a short time Secretary to Bolingbroke at Commercy, having retired to France before the outbreak of the Rising of 1715. He is probably the 'Muray' among the 'gentilshommes' who were with the Old Chevalier at Avignon in 1716. It is known that he was sent from Rome to 'inspect' the Princess Clementina before she came to Italy, and in Lord Pitsligo's (unpublished) narrative there is a great deal about the arrogance shown by Murray when receiving the 'Queen' at Bologna in James's absence in Spain. Jealousies among the courtiers were the curse of the Jacobite Court.

Murray was appointed to act as proxy for the wedding of James and Clementina during the former's absence in Spain, and seems to have prevented, as far as possible, her intercourse with any one else, save himself and his sister, whom Clementina is said to have detested at sight. Murray also was largely responsible for the estrangement between James and the noble Pitsligo.

When Charles grew a little older and beyond the care of Mrs. Hay as governess, James Murray was appointed tutor, and the boy seemingly shared his mother's dislike of the family, for an early letter describes him as 'kicking and striking' his tutor, and later as refusing to speak to him during the long drives they had to take together. Murray, however, seems to have been his companion in the ride to Albano which was the prelude to his dash to

France in 1744 and the beginning of all his adventures, and to have covered his tracks successfully. The Prince and Murray never met again. Before this, in 1727, James had by the wishes of his Queen temporarily banished the Murrays, brother and sister, from Rome to Avignon. James Murray had been created, on 2nd February 1721, Earl of Dunbar in East Lothian, Viscount of Drumcairn in Fife, and Lord of Hadykes in Dumfries, and also Knight of the Thistle. Failing heirs-male, these titles were to descend to his brother, Lord Stormont, and his heirs. The titles all became united in the person of his nephew David, seventh Lord Stormont, who succeeded another uncle as second Earl of Mansfield.

Another anonymous journal of the time, not apparently known to Monsieur Marchand, gives further details of the honours paid to 'Le Prince Edouard.' 'Pour témoigner la sympathie pour cette infortunée famille.' The account is so long and rambling that it can only be paraphrased.

The consuls of the city had an inscription erected in a prominent place to 'Carolo Edwardo, serenissimo galliae principi,' and provided a marvellous reception and ball in his honour for 21st January 1749. They further organised a great fête. It was at first proposed to have a bull-fight, and the consuls applied to the neighbouring town of Arles with a request to be supplied with some of the bulls specially bred in the Camargue for this purpose. Arles, however, refused, saying it was not the right time of year, and at the same time the Archbishop of Avignon vetoed the plan lest some one should get hurt or killed!

The fête, therefore, which was fixed for 11th February 1749, took the form of a shooting competition, magnificent illuminations, and another ball for which the whole of the courtyard of the Hôtel de Ville was built over, floored with wood, and adorned with tapestries. Free food and drink were to be distributed to all the poor, with a pound of grain

and a pound of rice to each one—no one being refused. A fountain of wine was also established in the Place St. Didier, opposite the house where James Stuart lived so long. Many houses were illuminated with set pieces of the arms of Scotland and portraits of the Prince, the house of Monsieur le Marquis de Forbin being especially beautiful.

A fearful tempest which raged in the windy city of Avignon destroyed some of the decorations, but, nothing daunted, the citizens repaired them, and the fête took place, though a day late. The city fathers gathered in the town hall at six o'clock in the afternoon. The Vice-Legate went to the house of Lady Inverness to fetch the Prince in his own carriage, and, preceded by the light cavalry of the town, they made a tour of the walls and so to the Pope's palace, where a vast supper and ball had been prepared. After supper and another drive round the illuminations, the Prince went to the ball, where he danced indefatigably till eight in the morning—(but the ball went on until four the next afternoon !). For a fortnight after this the Prince appears to have remained quietly in Avignon, as the next event chronicled by the writer in connection with him is the setting up, on 24th February, of an equestrian statue of the Prince in the Place St. Didier, opposite to the house inhabited by his father. The statue is, alas, no longer in existence ! It doubtless perished in the French Revolution. On the next morning, 25th February 1749, to the great regret of the authorities of Avignon, the Prince rode away and the mysterious fifteen years of wanderings over Europe began.

HENRIETTA TAYLER.

JACOBITE PAPERS AT AVIGNON

I

The first extract deals with a time prior to the arrival of James Stuart in Avignon and is connected with the various rumours current as to his start for Scotland, and his arrival there. (The loquacious doctor often omits to give any date for his entries.)

'Le Roy Jacques s'embarque à Bayonne; on a pris quelques assassins envoyés d'Angleterre pour le poignarder. Le Princc de Vaudemont donna fête—au premier repas qui se donna le soir, le roi se trouve mal sur la fin et se retira, la fête continue—le lendemin on envoya demander l'êtat dc sa santé, on fit reponse, qu'il avoit fièvre.[1]

'De cette manière le roy et le duc d'Ormonde sont partis des côtes de France incognito sur un vaisseau d'Hambourg et sont arrivés en Ecosse le 2 janvier 1716.[2] . . .' After two pages of events in France the Journalist continues: 'Le roy Jacques arriva le 2 janvier en Ecosse, il a êté couronné par l'evêque de St. Andréc;[3] il a cassé l'acte qui réunissait l'Ecossc à l'Angleterre; on se préparc à son couronnement à Perth. . . . Je ne sçaurais donner une plus juste idée des deux parties qui partagent aujourd'hui la Grande Bretagne ct en troublent lc repos qu'en les répresentant comme étaient autre fois les Gibelins et les Guelphes qui désolaient l'Italie pendant le 12 et 13 siècles, l'un et l'autre sous prctcxtc de défendre l'Eglise et la religion.

'Dieu ayant rapellé sur le trone Charles II., il rétablit la paix et l'abondance dans le royaume.'[4]

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[1] Two days later he was *en route* for Scotland.

[2] New Style.

[3] This was an error.

[4] This was written probably with a pious hope that the arrival of James Stuart might bring peace to England, though if Monsieur Brun had but realised it, peace in England was the last thing desired by the rulers of France.

II

The Journal next announces the arrival of James in Scotland: 'Il a été reneontré par le Duc de Mareh [*sic*] avec 200 hommes du Régiment de la Restoration—le roi Georges a rassemblé son parliament pour demander de l'Argent pour se défendre.' The Journal then goes on to relate with more gusto and a great deal of detail how the Thames was frozen over and a great fête took place on it, with shops, bull-baiting, oxen roasted whole, etc.

Of the six weeks of James's stay in Scotland, the doctor seems to have heard little. He next chronicles that 'Le roi Jacques (ou le Prétendant) a été malheureux dans son séjour en Ecosse. Abandonné de la plupart des siens il a heureusement put s'embarquer le 14 Février[1] avec le Comte de Mar et quelques autres et arriva en France le 21 Février, près de Gravelines.'

[Avignon, April 2, 1716.]

'Le second de ce mois le roy d'Angleterre Jacques 3 arriva iei par Villeneuve (ne jugeant pas à propos de passer par Orange, à cause du Prince d'Orange qui a détroné son père le roy Jacques II.). Monsieur d'Antasse, le capitaine de la Cavalerie l'attendit avec quatre chaises et deux cavaliers—il voulut marcher sur la chaussée, il etait au milieu du Comte de Marsh et M. d'Antasse, il se mit en chaise et entra par la porte du Maille, sans cérémonie, comme il l'a souhaité.

'Le Prétendant arriva en modiste équipage. Ses attelages, trente six chevaux, deux carrosses, une berline, une chaise roulante. Peu de gentils hommes l'accompagnaient, mais sa cour ne tarda pas à se renforcer.

'Des le 4 Avril le Due d'Ormond etait à Avignon.[2]

. . . . . .

'Quelques jours plus tard sont arrivés le Lord Panmure,

[1] The date is incorrect.

[2] It will be remembered that he was not with James in Scotland. He resided in Avignon for many years, and a separate history of him may be found there giving many details of his gallantries and adventures with a certain beautiful French countess.

Tullibardine, Drummond et plusieurs autres. My Lord Nitesdal que s'est évadé de la Tour de Londres avec l'aide de sa femme.[1]

. . . . . .

'Il assistait aux processions, un flambeau à la main, il suit assidument les prédications de carême, même par les temps de pluie ou de verglas.'[2]

[The number of Protestant followers of the Stuart Prince alarmed the Court of Rome, which sent to the Archbishop of Avignon careful instructions whereby the danger of their presence might be minimised.]

'Il faut que le séjour de ces personages héretiques dans le pays devienne utile à la réligion catholique par leur conversion ou du moins qu'il ne soit nuisible à la foi et un sujet de scandale pour ceux qui résident à Avignon. En consequence, l'exercise de la religion anglicane ne sera pas toleré ; les ministres ou prédicateurs hérétiques devront s'abstenir de toute assemblée et de toute propagande. L'archevêque devra veiller à ce que dans leurs conversations ou entretiens familiers, ces ministres ne se hazardent jamais à discourir sur les matières religieuses. . . . Les hérétiques et les catholiques ne devront point se réunir à la même table les jours où l'Eglise défend l'usage de la viande, afin d'éviter toute occasion d'intemperance et de scandale. L'archevêque devra faire appel au respect que les Anglais doivent à leur hôte, leur réprésentant le douleur qu'éprouverait le Saint Père, s'il venait à apprendre le danger ou la chute d'une seule âme de ses sujets.'

(Bibliothèque du Musée Calvet, MS. 2188.)

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[1] Very minute details are given as to the houses to be lent to the Prétendant. Finally, that belonging to Monsieur de Serre in the Place St. Didier was selected, and not being large enough, a portion of the neighbouring house of Monsieur d'Entraigues was thrown into it, for the reception of James and his immediate suite. Other nobles, such as the Earl Marischal, Ormond, etc., had special houses lent to them. All these have now unfortunately been pulled down. The church of St. Didier, however, in which James was known to worship daily, remains in much the same state as it was then.

[2] It is interesting to note that when he was ill the bells of 'la ville sonnante were silenced for some weeks, lest they should disturb him.

III

In another Journal, not quoted by Monsieur Marchand, and anonymous, may be seen the generosity of many of the canons and other chief inhabitants of Avignon, who insisted on lending to the Scottish exiles, 'linges, vaiselle, argenterie et verres,' as well as large sums of money.

'Le vice légat envoya comme cadeau de Pâques une vaste corbeille remplie de béeasses et de pluviers, une autre de perdreaux et de béeassins, un panier de lièvres et de lapins, un autre de poulets, un cage de dindons, une autre de chapons, une autre de pigeons, un veau, trois agneaux et un mouton gras, le tout exeepté le gibier vivant et sur pied, et avec cela une quantité de vin de champagne et de bourgoyne en tonneaux.'

'Le 7 avril on cite d'Edinbourg, que le General Cadogan a brulé la maison de Robertson et que les Lords Bonimon, Methuen, Bamblen, et la Firese sont faits prisonniers—ainsi que le Colonel Urquhart, et les Capitaines Auchmooty et Ramsay.

'Le Pape a écrit au roi Jacques pour lui offrir le palais d'Avignon mais le roi a refusé.

'Le 26 Mai arriva le Comte Forster, échappé de Newgate. Il est allé voir le Légat. Il a été chassé de Paris.

'D'Edinbourg on annonce que les Comtes Marshall, Seaford, Southesk, Mar, Tullibardine, Kilsythe et d'autres chefs se sont sauvés en France des Iles de l'Ouest.[1]

'My lord Pitsligo, Carnegie de Boysack et encore d'autres se sont échappés en Norvege.

'Le 26 Mai le Colonel Oxburgh sera porté au bourreau, et A Menzies Vendredi prochain.

'Le Colonel Gordon qui était à la tête d'une bataillon des insurgents à Dumblain s'est rendu au General Cadogan. Il a été mis en liberté ou pardonné.[2]

[1] Some of them, of course, were already in Avignon!

[2] This was Gordon of Auchintoul, who was afterwards attainted by the wrong Christian name and so escaped forfeiture.

'Dimanche 21st. Juin le roi Jacques a son jour de fête. 'Ilest grand, la taille deliée, âgé de 28 ans, le visage ovale, creusé de petite vérole, le nez aquilien [*sic*], le teint brun clair, l'air gracieux, un peu mélancolique. Sa démarche est ferme et dégagée ; ni gras ni maigre.'

'Le 27 Juin on announee que Seaforth [1] est toujours maitre de l'isle de Lewes, avee douze cent hommes et dans une lettre au Due d'Ormond on raconte que l'Eleeteur Georges est parti pour Hanover et a annoneé que son palais est à louer !

'Le roi va à la messe à St. Didier—avec les milords qui portaient le ruban bleu et le ruban vert.' [2]

(Bibliothèque du Musée Calvet, MS. 3188.)

[Another anonymous writer of Avignon gossip puts on record that 'Quelquis'un des Ecossais arrivèrent en voiture avec leurs domestiques, d' autres sur pied et en haillons.']

On 19th September, De Brun chronicles: 'Le roy d'Angleterre n'est pas allé aujourd'hui à la messe, il est incommodé des hémorroides ou fistule. On le fait soigner par les docteurs Parreli et Gastaldi et le Dr. Blair medecin attaché au eomte de Panmure. Le médecin privé du roy Dr. Wood n'arriva à Avignon que le 28 Septembre. Il a été en prison en Angleterre jusqu'au mois de Juin.

'La reyne d'Angleterre envoya son medecin le docteur Guérin de St. Germain. Il a operé le roy le 20 Octobre, mais jusqu'au mois de Deeembre il ne sortit pas.'

(Bibliothèque du Musée Calvet, MS. 3188.)

IV

As already stated, during the king's illness the Archbishop of Avignon had shown him every attention, and the following touching little letter from Queen Mary referring to this is preserved in the Musée Calvet.

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[1] Already, it may be noted, having been announced as having left Scotland !

[2] Knights of the Garter and of the Thistle.

Régistre de lettres.

LA REYNE D'ANGLETERRE

MS. 1725. 35. Monsieur l'Archévêque d'Avignon. La lettre que vous m'avez écrite sur le rétablissement de la Santé du Roy mon fils m'a donnée beaucoup de consolation. Elle est pleine d'expressions si vives et si obligeantes de votre zéle pour luy et pour moy que je ne puis assez vous en remercier. Sa Majesté m'a souvent témoigné l'attention que vous avez eu pendant son séjour à Avignon, à luy faire toute sorte de plaisirs et d'amitié—je suis persuadée que le souvenir en reste profondément gravé dans son cœur ; il ne l'est pas moins dans le mien, et puis-qu'il est juste que j'entre dans tous les sentiments de sa gratitude, je souhaite les occasions de vous en donner les preuves les plus reelles et que je suis avec toute sort d'estime et de considération, Monsieur l'Archévêque d'Avignon—à Saint Germain-en-laye ce 8 Février 1718.[1]

Votre bonne amie

MARIE R.

The Journal continues :

' Le roy, forcé par le gouvernement anglais presse le notre de faire passer le Prétendant d'Avignon et de l'exiler au dela des Alpes. C'est convenu qu'il devait passer en Italie. Beaucoup des siens le precedèrent et à la fin d'Octobre il ne restèrent a Avignon qu'environ 150 personnes—autrefois 500.

' Le roy et le duc d'Ormonde sont accablés, les nobles et le clergé d'Avignon le regrettent beaucoup.

' Le 27 Janvier le roy rend grace à St. Didier et le 6 Février il y va à la messe pour la dernier fois, et après la bénediction entre dans son voiture avec Ormonde et Mar et se mit en route le soir meme, ayant l'intention de se reposer et de coucher à Orange. Il avait une suite de soixante dix personnes et les hardes et les éffets etaient dans des petites voitures couvertes de toile cirée. Il y avait du vent et de la neige. Le vice légat et la famille Doni l'accompagnèrent

[1] New Style.

et le roi leur fit cadeau de quelques montres. Il s'arreta à Chambery et voulut passer à Modena la neige l'empêcha.

'Le 27 Février il arriva à Asti et un mois plus tard à Pesaro. A l'êté il passa à Bologna.'

V

The list of the adherents of James present in Avignon in 1716 follows.

MS. Musée Calvet, Avignon. 2827. 611.

Listes des Anglais, de la suite de Jacques III. d'Angleterre arrivés a Avignon en 1716 *le* 2 *Avril.*

M. le duc d'Ormond irlandois Generalissimo par terre et par mer.

M. le duc de Mar, ècossois, Premier gentilhomme de la chambre.

Milords.

Maresshall	Ecos.
Soulhak (Southesk)	Ecos.
Panmure	Ecos.
Lintististgow (Linlithgow)	Ecos.
Tullibardine	Ecos.
Kilsith	Ecos.
Kingston	Ecos.
Ogilvie	Ecos.
George Murray	Ecos.
Keits, frere de M. Maresshal	Ecos.
Askein (Erskine), frere de M. Southark (Mar)	Ecos.

Lieut.-Generaux.

Kelin (Cullen)	Irlan.
Hamilton	Ecos.
Gordon (Auchintoul)	Ecos.
Phaster (Fraser)	Ecos.

Brigadiers.

Corbes (Corbet)	Ecos.
Macintosh	Ecos.
Hay, Ecuyer de roy, à present Milord Hiuerness (Inverness)	Ecos.

Colonels.

Clephant (Clephan)	Ecos.
Cameron	Ecos.
Stuvart de apin	Ecos.
Cambelle	Ecos.
Camerones	Ecos.
Campbell de glenelion	Ecos.
Jusus (Innes)	Ecos.
Linvintgton	Ecos.
Truin de Danut (Irvine of Drum)	Ecos.

Lieut.-Colonels.

Oncs	Anglais.
Waleincha (Walkinshaw)	Ecos.
Elphinston	Ecos.
Maxton	Ecos.
fforbes	Ecos.

Majors d'infanterie et de cavalerie (9).

Fleming	Ecos.
Hepburn	Ecos.
Makincha (Mackenzie)	Ecos.
Surith Arthur	Ecos.
Lesly	Ecos.
Lauder	Ecos.
Macphorson	Ecos.
Mackinstork (McIntosh)	Ecos.
Coclzburne (Cockburn)	Ecos.

Capitaines (24).

Stalhet	Irl.
Preston	Ecos.
Saintclair	Ecos.
Frezier	Ecos.
Falconer	Ecos.
Duglas	Ecos.
Collier	Ang.
Sharp	Ecos.
Nairne	Ecos.
Lesly	Ecos.
Maguel (McEwen)	Ecos.
Butler	Ecos.
Gordon	Ecos.
Creisthon (Creichton)	Ecos.
Dalmahore (Dalmahoy)	Ecos.
Markinsie	Ecos.
Charelton	Ecos.
Littlcton	Ecos.
Accud	Ang.
Macdonald	Irl.
Buuke (Burke)	Ang.
Lestrange	Irl.
Obrien	Irl.
Asher	Irl.

Lieutenants (6).

Ker	Ecos.
Fergusson	Ecos.
Bosuual	Ecos.
Lindsay	Ecos.
Maclaen	Ecos.
Lindsay	Ecos.

Docteurs.

Lesly	Irl.
Hamilton	Irl.
Lesly	Irl.
Barclay	Ecos.
Woord	Ecos.
Pathieson (Patterson)	Ecos.

Sécrétaires.

Kennedy	Ecos.
Paterson	Ecos.

Sousecretaires.

Egigar (Edgar)	Ecos.
Keir	Ecos.

Medecins du Roy.

Blair	Ecos.
Vignar	Ecos.

Chirugiens (2).

Arnaud	Ecos.
Hay	Ecos.

Gentilshommes.

Elistreet	Irl.
Askein (Erskine)	Ecos.
Kesch	Ecos.
Ogilvie	Ecos.
Alexandre	Ecos.
Fuzier (Fraser)	Ecos.
Follingham de puree (Fotheringham of Powrie)	Ecos.
Follingham fils ditto	Ecos.
Briseban de briseban	Ecos.
Fuberne	Ecos.
Wood	Ecos.
Sailor	Ecos.
Ker	Ecos.

Fulastoun (Foularton)	Ecos.
Muray	Ecos.
Menzien (Menzies)	Ecos.
Hairsthen	Ecos.
Stilvoort (Stewart)	Ecos.
Hobson	Irl.
Forman	Irl.
Arkin	Irl.
Scharp	Irl.
Grin	Ang.
Envingston	Ang.
Cameron	Ecos.
Hazel	Ang.
Smith	Ang.
Beanton	Ang.
Meiklewight	Ang.
Pots	Ang.

Listes des seigneurs anglais catholiques (39).

Le duc de Perth	Ecos.
Milord Galmoy	Irl.
Mr. Niesdal, sauvé par sa femme de la prison de Londres (Lord Nithsdale)	Ecos.
Mr. Wington, sauvé de Londres (Lord Wintoun)	Ecos.
Clemont	Ecos.
Seaphort	Ecos.
Scheldon (Sheldon)	Angl.
Macdonald de clan-ranald	Ecos.
Fleming	Ecos.
Macdonald	Ecos.
Buude	Angl.
Le chev. Ekins	Angl.
Tramagnon	Angl.
Meriland	Ecos.
Strickland	Angl.
Butler	Irl.
Macmahon	Irl.
Wogan	Irl.
Macdonald	Irl.
Rigby	Irl.
Woods	Angl.
Albergomby, Medecin	Ecos.
Machua	Irl.
Tranagnen	Angl.
Aker	Irl.
Siedeworth	Angl.
Nairne	Ecos.
de Laswe (Leslie)	Ecos.
Browner	Angl.
Mascalt	Angl.
Saint Paul	Angl.
Boubler	Angl.
Rhodes	Angl.
Sivlis	Angl.
Fitzgerald	Irl.
Cuog (Keogh)	Irl.
Mathieu	Irl.
Linch, apoticaire	Irl.
Mr. Drummond	Ecos.

Altogether 500 with their servants, etc.

[It is interesting to note among these names that of Wogan, who was to become famous by bringing James's bride to him in 1719; of Sheldon, Hay, and James Murray, who were closely concerned in the education of Prince Charles; of three out of the seven men of Moidart who landed with Charles in Scotland twenty-nine years later, viz.:

Tullibardine,
Sir John Macdonald,
and Strickland;

and of Lord George Murray, the famous General of the '45.]

VI

Two letters from Avignon, of date 28th December 1748, found in the Archives des Affaires Etrangères à Paris, may appropriately be given here. They are anonymous. One of them (Supplementary Vol. 10. Ecosse No. 242) contains first the instructions to the Marquis de Pérussé, after the arrest of Charles and the night passed in the Château de Vincennes. He was escorted to the frontiers of Franec by French soldiers. (The French authorities always allude to him as 'Prince Edouard.') The letter continues:

'Le Prince Edouard apres avoir passé le pont Bonvoisin, acheta trois eheveaux, et tout de suite, sans s'arrêter, gagnèrent Chambery n'entrant pas dedans ils trouvèrent un regiment irlandois. Par là apres il se déguisa avee un mauvais habit rongé avec pansements de velours et une mauvaise péruque noire qu'il mis sur les eheveux. Il gagna par la montagne le mont Colin où ils laissèrent leur eheveaux, là ils prirent la poste et vinrent à Orange où se trouvant fort fatigués et écorehés, car ils on fait tout eela sans se eoucher, ils trouvèrent une chaise de voiture où ils se misent tous trois et sont arrivés le vendredi 27 à sept heures du matin, mais on ne le verra qu'après le passage de Dom Philippe qui eoueha iei Lundi 30. Il arriva à la porte de Somme ou les porteurs le ménerent chez Mad^me^ Inverness et Milord Dunbar son frère.'

The seeond letter gives further details:

'On eourut avec détresse et avee tres mauvaises selles jusqu'à Orange les fatigues et les ineommodités firent quitter la Poste et le Prinec avee ses deux offieiers se jetta dans une chaise roulante qui retournait à Avignon. Ils en sortirent à la porte de la ville et le Prinee se rendit ehez Miladi Inverness où ses deux gentilshommes se rendirent à pied. Dès son arrivée le Prinee a paru très eontent. Il logera au Palais jusqu'à ce qu'on lui ait préparé un hôtel dans la Ville. Il est persuadé que la Cour de Rome y

conservera le Droit de Souveraineté pour lui donner une asile que la fièrté anglaise ne fera pas violer aujourd'hui comme elle le fit violer au Prince Regent.'

A P.S. to the same letter says: 'Il doit loger chez le Légat jusqu'à ce qu'on luy ait préparé une maison.'

VII

It has been said that Avignon was unwilling to receive Charles. The contrary seems to be the case, as testified by the following order for the firing of a *feu de joie* and by the letter and poems printed below. (Bibliothèque du Musée Calvet. MS. 2572.) 'Entrée du Prince Edouard. Monsieur Croze remettra aux Canoniers la quantité de Cent cinquante-une livres de poudre pour tirer une fois dix-huit boites de cinquante deux pièces de canon à l'occasion de l'entrée de son Altesse royale Le Prince Edouard Stuart à Avignon le 2 Janvier 1749.'

Compliments au Prince de Galles par la Rota

(*A letter to Prince Charles from the Palais Apostolique at Avignon*)

3. Jan. 1749.

MS. 2825. 101. Monscigneur. La Rota de ce Palais Apostolique en présentant ses homages à Votre Altesse Royale vient en même temps luy témoigner toute l'étendue de sa vénération. Vos actions héroiques, Mgr. sources de la Paix dont nous jouissons, sont toujours présentes à nos yeux, dans le temps même que vous parroissez les avoir oubliées. Cette bonté et cette affabilité qui nous eachent votre gloire ne pouraient nous la dérober et tandis qu'elles ne nous montrent qu'un Prince fait pour être l'amour du monde, nous le regardons toujours comme la terreur de ses plus redoutable ennemis. . . . Nous ne céderons qu'à ces peuples nés pour vous obéir le bonheur de vous posséder.

Et par notre attachement inviolable et notre profond value pour votre altesse royale et pour votre sang auguste, nous nous attirerons votre puissante protection et celle de votre Royale Maison. . . .

MS. 2944. 64. 65.

THREE RARE POEMS, PRINTED AT AVIGNON ON THE OCCASION OF PRINCE CHARLES'S VISIT, 1749

Avignon quel Bonheur—ta Joye est sans égale
Tu reçois dans ton sein le Vray Prince de Galle
Le Ciel qui le conduit et prend soin de ses jours
A fait choix de la Ville pour faire son séjour.
Malheureuse Angleterre qu'elle honte pour toy
De voir chez l'Etranger ton veritable Roy.
Cheri et Admiré de toutes les Nations
Confier sa personne au peuple d'Avignon.

SARRAGIN *invenit.* MICHEL *sculpsit.*

MS. 2944. 65. A son Altesse Royale, très haut, très puissant et très Auguste Prince *Monseigneur Charles* Edouard, Prince de Galles.

Prodige de valeur, Prince avant vos exploits
On sçavoit par toute la terre
Que dans tous les tems, l'Angleterre
Compta tous vos ajeuls parmi ses plus grand Rois
Est il juste aujourd'hui, qu'une telle Couronne
Ne subsiste qu'afin que vous la méritiez ?
La Nature, la Loi, Dieu même vous la donne
Il faut donc que vous la portiez.
Il le faut, je le dis et j'ai droit de le dire
Ainsi que le Ciel m'inspire.
Peutêtre nous touchons au fortuné moment
Qui va manifester le grand évènment,
Après lequel tout l'Univers soupire
Et qui sera toujours le juste empressement
De tous les Souverains qui pensent dignement.

LEONARD CHANOINE DE ST. PIERRE.

REGRETS DE LA VILLE DE PARIS SUR LE DEPART DU PRINCE EDOUARD

1.

Prince adorable et malheureux
Ne regrette plus la couronne
Que portait les Rois tes Ayeux
C'est la fortune qui la donne.

2.

Que les parricides sujets
Obstinés a méconnaitre
Couronnent leurs ancient forfaits
Indignes de l'avoir pour maître.

3.

Sois au dessus de tes revers
Quel que soit le sort de la guerre
L'estime de tout l'Univers
Vaut bien le sceptre d'Anglcterre.

4.

On voit sur ton auguste front
Briller des rois l'illustre marque
Et les rois même conviendront
Qu'un héros vaut bien un Monarque.

5.

Poursuis, chère prince, montre toi
Digne du sang qui tc fait maître
Sans doute il est grand d'être Roi
Plus grand de mériter de l'être !

6.

Ce bien qu'on ne peut te ravir
Est préferable au bien suprême
Ta vertu seul t'en faire jouir
Et tu ne le dois qu'a toi-meme.

de l'imprimerie d' ALEXANDRE GOROUD.

MARCHMONT CORRESPONDENCE

RELATING TO THE '45

Edited by

The Hon. G. F. C. HEPBURNE SCOTT

INTRODUCTION

THIS hitherto unpublished correspondence is a collection of letters received from Scotland by Hugh, 3rd Earl of Marchmont, between September 1745 and May 1746, when he was in London. Most of them were written by his sister, Lady Jane Nimmo, from Redbraes, his house in Berwickshire, where she and her family were staying on a visit prolonged by the disturbing events of that winter. The rest are from her husband, Mr. James Nimmo, a Commissioner of Excise and Customs, and from others connected with Lord Marchmont's Berwickshire property.

Redbraes House, the visit to which by Jacobite officers and men is so vividly described by Lady Jane, was replaced a few years after that time by a larger building on the same site, the Marchmont house of to-day. It lies close to the little village of Polwarth, the home of the Hume family since the end of the fifteenth century.

Besides first-hand accounts of the raids of 'the Rebels' into Berwickshire, and reports of their movements elsewhere, these letters contain many reflections on the conduct of affairs in Scotland. The organisation of the defences of the country is severely criticised, while confidence is placed only in the Duke of Cumberland, to whom Lady Jane shows an enthusiastic devotion.

The original spelling has been preserved, and the parts omitted are purely private business or second-hand reports of military affairs known from other sources. Selections from the Marchmont Papers, the property of Lord Polwarth, were published by Sir G. H. Rose in 1831, and by the Historical Manuscripts Commission in 1911, 1916 and 1931. The latter have been placed in H.M. Register House.

G. F. C. HEPBURNE SCOTT.

FROM GEORGE CARRE.[1]

NISBET, 10 *Sep*^{r} 1745.

The present occasion of renewing my correspondence I own is a pain to me. For tho' I have no other connection with Highlanders than in the common appellation of Scotsmen, I blush this moment at the thoughts that these wretches are acting as Allies of France and Traitors to Great Britain. Any accounts of the matter that I can give you from hence can be little depended on, being only such things as are believed by the generality at Edinburgh ; but I presume you 'll know what those in the Government here write to their Superiors at London.

The number of the rebels since they have got the possession of Perthshire and the rest of that country to the bridge of Stirling are thought to have encreased to 5 or 6000 men, and in my oppinion they can be no less, for 'tis certain they marchd 2500 from the Westhielands, and the Marq^{s} of Tullibairn, L^{d} Perth, L^{d} Nairn, L^{d} Oggilbie, L^{d} George Murray can't fail to make up the remainder. As Sir John Cope has retreated with all the foot to Inverness, no troops yet arrived from Holland, and the two regements of Irish Dragoons, one whereof is posted at Stirling the other at Edinburgh, are said to be in very low spirits, nothing hinders the rebels from advancing to Edinb^{r}, and consequently by their advanced parties to this Country, whenever they think proper, and it is daily expected. I therefor went this day to Redbraise and saw all the usefull arms, the plate, with the two leather coach boxes that I immagine contain your father's publick papers, which perhaps M^{r} Secretary Kelly or some other person of curiosity might take a fancy for, put up, to be sent this Evening to Berwick and lodged with George Trotter. The like course has been taken by everybody in the neighbourhood of Edinburgh Castle for these three days past. As for your other papers, I have given Loebroke [?] the keys of their repositories to show them if demanded, and I think they run no greater hazard than the house and furniture does,

[1] Mr. Carre of West Nisbet, Berwickshire.

which I hope is none at all, for by all accounts the Rebels have committed no outrages of any sort. I have heard of no South Country folk that have joined them except Murray of Broughton, a brother of the late Sir Alexander Murray of Stanhope, and within this hour I am assured that Willy Hamilton, poor Katty Hall's Spouse, is amissing. Our horses must be put out of their reach, and that there may be time to do so, I shall have an express sent me from Edinburgh upon their first approach. When that happens, if there be no army formed on the part of the government, I shall make my Retreat either to Berwick or farther South.

The Truth is, the present juncture affords speculations that are extreamly mortifying to any who wishes for the prosperity of G. Britain. For as in foreign Affairs we lately saw her almost without a Friend or an Ally, so in this part of the Island Government stands as a bare hulk without a hand aboard—it was not so formerly. I am afraid that at Edinb^{r} an indifference prevails that is surprising. The reason is plain: there is nobody there they have the smalest oppinion of. Yet I firmly believe the people's Inclinations are not perverted, but that they have no encouragement to discover them; for there comes no fire from the Flint unless that trusty steel be applyed. That refined policy likeways, which has been practised these twenty years, of making the Highlands an accadamy for the art of war, displayes itself notably on this occasion; for this fact is certain, that the west highlanders, who first got together, had not been assembled a fourthnight, when some of his Majestie's officers who had fallen into their hands, upon seeing them perform the Manual Exercise, were convinced that they did it with as much Dexterity as any other regular forces could have done. The consequence whereof must be plainly this, that in a few years more we shall have in the highlands of Scotland a body of thirty thousand (I mean every man in the country) of the best trained regular Troops in Europe, constantly ready at the command of their own Chiefs, those worthy patriots. It is strange that all this should have happened since the

memorable year 1715, and that in plaee of being exterminated (that is transplanted to a better climate) as they ought and must be if ever Great Britain expects to rest in security, they have been cherished in a surprising manner so as to be more capable of doing misehief than ever. Your Lordship will forgive me for this Excursion ; 'tis a subject I have long thot of importance, and have frequently insisted on it, so as I 'm afraid to have given offence to some of my friends and countrymen ; as it happened of late, when the Gallant Behaviour of L^d^ Semple's Regiment[1] was in every body's mouth (tho' I estcemed the bravery of the men as much as anybody) yet happening to say it were good for Great Britain that they were the worst troops in it, whieh tho' it bore a fair meaning, yet it was imputed to me pretty sharply, as spoken from a dislike I had towards them. I do confess I cannot think of these brave men's returning to their own country, as they must needs do soon, to train their neighbours to be as warlike as themselves, without having severe reflections upon the authors of sueh a piece of wretched and dangerous policy—you may judge how I relish the raising more upon the same Plan. . . .

FROM GEORGE CARRE.

friday 13 *Sep^r^* 1745.

The letters I have just now from Edinburgh bear that on Wednesday at 11 o'clock the highland army left Perth and took the road to Dumblain in order, as is beleived, to pass the River Forth at the Foords above Stirling. 'Tis believed they intend to mareh towards England, but whether by way of Edinb^r^ or by the western road is uncertain. Some men are raised for the defence of Edinb^r^. No troops from Holland are yet arrived and Sir John Cope is at Aberdeen from whence Ships are sent to transport his army. . . . As the Rebels have levied as much money as they could in the Town of Perth we must expect worse treatment when the reaeh us, whieh will probably be in a day or two. . . .

[1] The 25th Regiment of Foot, commanded by Lord Sempill, distinguished themselves at Aeth in the Netherlands 1745.

FROM GEORGE CARRE.

Berwick, 18 *Sep*^{r} 1745.

On Monday night the Town of Edinburgh, without striking a blow, capitulated, and the Enemy entered it next morning by break of day. Most if not all of the arms and ammunition belonging either to the Government or to the Town were carried to the Castle, yet there would be found in private hands sufficient to arm all of the Enemy that wanted. The two Regements of Dragoons, having run a considerable hazard of being surrounded, made their retreat to Haddington and from thence to dumbar where they arrived yesterday at the same time with the Ships which brought Sir John Cope and his forces. These with the Dragoons are now encamp'd there, being join'd with three new rais'd companys of Lord Loudon's regement, the whole, including 400 highlanders that join'd Sir John in the North country, amounting to about 3000 men. Their resolution this morning, was to march tomorrow towards Edinb^{r} and give the Enemy battle, but today at noon, there passed thro' this place Major John Stewart, who got certain information at Newcastle that the fleet with the dutch forces were seen off Tinmouth, proceeding with a fair winde to the firth, so that the major was in hopes he would find them at Dunbar when he got there ; but if not, Cope would certainly delay moving till they arrived, which gives great relief to us who do not think the forces he has sufficient for his Undertaking. The Highlanders who now are all armed, amount to about 6000, and 'tis beleived they will be joined in Edinburgh by 1000 or 1500. They seem to conduct their affairs with prudence and Skill, which I reckon is owing to General Medonald, a good soldier. The thoughts of this, I confess, creates me uneasiness least he seise upon this critical moment and march towards Cope, the only reasonable thing they have to do, whether they suspect the Dutch so near at hand or not. But if Sir John, in case the Dutch are not arrived, retreats towards this place and declines fighting untill the Dutch join, I see no hopes the Enemy have left. The behaviour these wretches have had since they were in possession of

Edinb^r has been more regular than one could have expeeted. The Gross of their army lies eneamp'd without any tents behinde the Abby towards the King's park; none have entered the town exeepting the Guards who keep the gates and passages; yesterday was their great Solemnity of proelaiming their King and his son regent at the Cross; 900 men were mareh'd in on that oeeasion, and the young man, who stood on the Street all the time the eeremony lasted, had his hand very passionately kiss'd by great numbers of old women upon their knees; the Men I am told did the like within doors at the Abby, and abroad were distinguished by wearing white eoekades. Lord Mark Kerr, not being able to get at his Government of the Castle, has returned to this plaee from Dumbar where he left Sir John Cope yesterday. The news that the Treaty [1] is signed betwixt his majesty and the K. of Prussia gives us the greatest joy immaginable. What has happened at Edinburgh has herryed the Nest whieh I trust in God will never hateh again. . . .

FROM GEORGE CARRE.

Berwick, *Friday* 20 *Sep^r* 1745.

The Intelligenee so often repeated of the forees from Holland being upon the Coast has all proved false. Sir John Cope with his whole Forees and a good train of Artilery broke up from Dumbar yesterday morning at 9, and last night eneamped a mile to the westward of Haddington. This day at 8 o'eloek he proeeeded in his mareh towards Edinb^r, and 'tis tho't would approaeh pretty near that town before he halted. His men are in good health and in good spirits. Lord Loudon with three Companys of his new rais'd Regement has joined him. We have not heard that the Enemy have moved from their Camp; their reinforeement eommanded by Gordon of Glenbueket, whieh was expeeted, arrived two days agoe. It eonsisted of about 1300 men. I hear they had given Sir John Cope the slip

[1] The Convention of Hanover, August 26th 1745, in which Frederiek II. of Prussia and George II. guaranteed eaeh other's possessions.

and march'd towards England. I had sent out scouts upon these roads to have given us notice, but now I think our first news will be of a battle. Your sister Lady Jean with Mr Nimmo arrived here last night. He has been extreamly active in serving his Majesty. The provost of Edinburgh [1] lies under a heavy load of accusations, but that must be enquired into at another time. I confess it has a bad appearance at present. . . . That circumstance in my last that the young man was at the Cross during the time of the Proclamation was a Lye told by Sir Wm Purves' Chaplain, who said he saw him and stood within three yards of him; for the truth is that he was in the Abby at that time.

FROM GEORGE CARRE.

Berwick, 22 *Sepr* 1745.

I have been singular in my oppinion that our forces were not to be depended on, and I am heartily sorry that the event has proved it true. On Friday Sir John Cope left his camp near Haddington and about 4 in the afternoon reach'd the ground where he resolved to wait for the Enemy. It is a plain to the south of Cockeny Links suffiently large for his purpose. He there formed in order of Battle. The foot were drawn up in one Line fronting South with a ditch before them which was broad and deep; on the right they were secured by the stone walls of Mr James Erskine's enclosures. The two Regements of Dragoons with Lord Loudon's highlanders made the body of reserve, and their 6 pieces of cannon were planted before the line towards the Ditch, 3 on the right and 3 on the left. As they were forming, the Highlanders came in View, marching leisurely up the rising grounds towards Tranent which stands upon the sumit, where they halted near the Kirk of Tranent. From thence they saw our Army plainly, and could easily number them. (As General Foulks said yesternight) we were not

[1] Archibald Stewart, wine merchant, son of Sir Robert Stewart of Allan Bank. He was M.P. for the City of Edinburgh and known as the leader of the Jacobites. After the Rising he was imprisoned for fourteen months for 'permitting the city to fall into the power of the rebels.'

upon paper above 1500 foot. After the enemy had remain'd for some time at Tranent they were pereeived marching baek again the way they had eome up ; upon this our Generalls, thinking they intended to Attack us in flank, chang'd the disposition of our Army and drew them up with their front to the West, with the left reaching to that ditch which formerly was before their front. This was done a little before sunset, and in this situation they eontinucd all night under Arms. Many as I understand imagined the Enemy had gone off and march'd away Southwards. But instead of that, as soon as it fell dark they had aseended the hill again, and with the greatest silenee marched round Tranent, from there took a circuit by Seaton house, and so by the same road our army had march'd the day before they advaneed into the plain where we lay ; so that as soon as day light appeared they were perceived on the flank of our Army to the Eastward formed ready to engage. There was likeways a large body of them drawn up on the south side of the deep Ditch so that these flanked us on the right. The Battel was begun and ended in fivc minutes. Our Cannon were, I think, but onee discharged ; the Enemy run in upon them and those that should have guarded them run off without making any defence. Two platoons of Lee's regement gave a tolerable fire ; the rest was no better than the fire of bad militia from the one end of the line to the other ; it was over in two minutes. The Enemy fired likeways without doing any Execution, but upon drawing their swords and running in our men acted as if they had wanted arms and made no manner of Effort, but the whole was an entire rout. The Dragoons run off in thc most shamefull manner before the cnemy came near them, and I am just now told they have taken so good care of themselves that three fourths of 'em are upon their march at this time from Coldstream to this plaee. Gen^{ll} foulks thinks the foot are all prisoners but few killed. Gen^{ll} Cope and L^{d} Loudon got off with the Dragoons ; 'tis tho't Gardner is killed. Thc Cannon, Tents, and all the baggagc is lost. I have done wrong in attempting to give partieulars which is impossible on hear-

ing the first hasty recital, but as you won't have the general acc^{t} I wanted to say something farder. However correct this, 'the 1st disposition of our Army was fronting west, and the 2nd to the south' and what I have writ is pretty near the matter, and may be understood with the help of the rude plan; 'tis said all the officers did well but could not prevail with the men who were seised with a panick. James Sandilands is killed, Coll. Gardner, and many more than was believed last night. This day 700 of the Dutch were arrived. The rebels are returned to Edinb^{r}.

FROM LADY JANE NIMMO.

Red Braes, 30 *Sept^{r}* 1745.

Dear Brother,—I came here with my three Daughters and a Woman Servant on Saturday from Whitehall.[1] We were too great a number to trouble a Friend's House, as I know not when we shall get Home again with Safety. The two north rooms and M^{rs} Alcoek's room accomodates us extreamly well and it shall be my endeavour to give Your Lo^{ps} people here as little trouble as possible. M^{r} Hall writes me just now that we must expect a Visit from the Highlanders, 150 of them being sent to Duns to Levy cess. It will be impossible to hinder them to do what they Please, and as we have not heard how they have behaved in other places I know not what to expect. I 'm afraid of their destroying the late King's Picture, and its too large to hide it anywhere; I believe Neighbours about will be our greatest Enemys, as it happened at the Last Rebellion: I shall write an Account of their Proceedings to Your Lo^{p} as soon as they are gone. John Hunter is just away to find John Home that Your L^{ops} receipts for Cess paid may be ready to show them. M^{r} Carre, M^{r} Nimmo, and Sir John Hall will bring a Faithfull Account of all that has pass'd Hitherto. I beg you 'll please make my best compliments to Lady Marchmont and the Young Ladies. There 's no certain account of James Sandilands; He 's a prisoner but whether wounded or not isn't yet known.

[1] The residence of the Hall family, near Chirnside in Berwickshire.

FROM WILLIAM HOW LUNDIE, MAYOR.

Berwick, 6 *Oct*^{r} 1745.

The Early precautions that were taken here with regard to your Arms and other Implements of War deserves the acknowledgements of every one that wishes well to his Country and the Royal Family, from none more than ourselves, who, having by the King's authority rais'd seven hundred and ffifty Men able to carry Arms, could not have compleated our Corps without your Lordship's timely aid, for the King's Stores could only furnish us with five hundred arms. So that without them Two hundred and ffifty would have been unarm'd, which on the one side might have disgusted these, while on the other hand, the ffive hundred carrying arms in time might have thought it hard Duty. I have by the post wrote to the Duke of Newcastle and took that opportunity of Doing Justice to Your Lordship.

FROM LORD MARCHMONT TO THE MAYOR OF BERWICK-ON-TWEED.

London, 12 *Oct.* 1745.

I learn by your letter of the 6th Instant, with great pleasure that my arms have been of use to the Burgesses of Berwick. As the Government did not put them into the hands of the Gentlemen of the County, thro' whom the danger must arrive at you, They could be putt into no hands more zealous for the present Establishment than those in which they now are ; nor could they contribute to the defence of any place in the safety of which I shall at all times more interest myself than that of the Town of Berwick. I congratulate you, sir, on the rank you enjoy in the Corporation.

FROM LADY JANE NIMMO.

Red Braes, 11 *Oct*^{r} 1745.

I promised to give you an account of the behaviour of the Highlanders when they arrived at Redbraes, but I really

hopcd they would never come here. However I 've been mistaken. On Wednesday the 9th of Octr after it was dark bounces in at the Door some highland Gentlemen with 3 pistols each. The first thing they did was to clap a Pistol to Laubrecht's breast and demanded Horses and arms. John Hunter meanwhile rode off with all the Horses. My three Daughters had Courage enough to step downstairs and recieve them. Six Gentlemen came up with the Girls after they had Placed Centinels at all the doors and Glengery had drawn up his men upon the Green ; they search'd all the House, and my Daughters carried the Lights before 'em and kept them as far from the King's Picture as Possible. However They were really Vastly Civil and would not go into the Bed Chambers. They found ninety one very old Firelocks which Mr Carre thought not worth sending to Berwick. They mark'd the number down on Paper and told my Daughter they would send for them. All this time I had not seen them, haveing just as They came recieved a Letter that Mr Nimmo had fallen ill upon the road, which gave me no leisure to think of highlanders. Three of them along with one of my Daughters came up to my room, pass'd only slightly by and begged Pardon for disturbing me. They were so kind as not to visit the Seller, which they did at Nisbet, and were Rough enough to the Young Folks There who were vastly affraid of them. John Hunter had long ago provided spirits from Duns for the Common Fellows, but had nothing for the officers. They were extremely Cold and Hungery, so he was obliged to produce 6 bottles of your Lops Canary with good will lest they should have taken it all at once. They touch'd nothing Here, neither Sadles nor Bridles, tho' they took all of that sort from Nisbet. In short they carried with the utmost civility, Laugh'd Egregiously at Johnny Cope (as They call'd him), and talk'd with the 3 girls for two hours at the dineing room fire, and gave them apples They had brought from Nisbet. Glengery and his men stood all the while on the Bowling Green and would not come in nor suffer one of his men to enter the House. At Last off they went and would have taken John Hunter, but upon my beging they would leave

him, they very civilly granted it and took another servant to Greenlaw. When they came There some one (I verily believe Mr Stevenson) put it into their Heads to write me back the inclosed, and bid Andrew Armstrong tell me if it was not obeyed They would burn Mr Nimmo's House whenever they came to Edr. I judged it very unfit for your Lordship's Tenants to carry arms to their Camp, so have dispatch'd a servant to Edr with a letter to a Gentleman married to a niece of Lord Buchan's and a Jacobite, to go to the Camp and tell them it was impossible for me to obey their commands. Mean time The Servants are broke away from them, and I know not what measures They will take next. If your Lop Please to tell my Spouse that it is James Cuming I have written to, and that He need not be uneasy for I am not afraid of any ill usage tho' They should return Here. I beg Pardon for so Long a confused letter.

Enclosure.

FROM ROBERT GRAEME.

Greenlaw, 8 *Octr* 1745.

Upon receipt of this you 'l order the Tennants of the Grownd to carry the ninty one guns that I found in the house to the Prince's Camp at Dudistown, and there to be Delivered to Mr Haldane of Lanrick, who will be found at the Old Dutchess of Argiles Lodging there, and till this be performed I am to keep your Servant as Hostage, and you cannot expect that he will return till they be Delivered. I send a line inclosed to go along with the men that is to carry in the armes Directed to Lanrick which will serve them for a pass by the Road.

FROM LADY JANE NIMMO.

Red Braes, 13 *Octr* 1745.

As I have not been more provoked a good while, I 'm obliged to trouble you again with an account of what has

happened Here. The two Servants belonging to Your Lordship which the Highlanders carried away made their escape from Ginglekirk,[1] and came home yesterday. They tell us that nothing could be Civiler than the Highlanders were to them and had appointed them to return home from Greenlaw, when in comes a Rascal named Broomfield or Slap (a pensioner too, of either Chelsea or Greenwich Hospitals) and tells The Rebels, They had been fooled and cheated at Redbraes, for he knew there were fine Arms and twenty five horses fit for a King at Red Braes, and they had been very Silly to come without them. Upon this the Rebels clap'd a guard upon the men, and were in rage at themselves for Leaving Hunter. They swore they would have him by the neck and make him produce the Horses; meanwhile the Letter I sent your L^{op} last post was sent back to me. I hoped, However, all this storm had been over, but was surprized this morning with a Highlander sent from Edin^{r} with the inclos'd. I have no time to consult M^{r} Hall, and am resolved they have not the Satisfaction to say your Lordships Tennants brought them arms, so I sent John Hunter to see for carts to hire for my use, and sent off their Highland Messenger with a Letter, the Copy of which I likewise inclose. I should have perhaps had courage enough to disobey their orders if I had not been Credibley inform'd that their whole army is to move on Tuesday morning and to pass this way. This account looks the more probable as your Lordship sees they have alter'd my Direction for disposeing the arms; besides I verily believe They want but a small occasion to begin such pranks all over the Country. I would very gladly be about with that impudent Rascal Broomfield but am ignorant how to manage it. Will your Lordship Please to inform my Husband of this affair, for I have said nothing of it to him. I shall be sorry if I have taken any wrong Step in this matter, but it appears to me very odd They should make such a work about these guns when Themselves know They 're not worth a penny.

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[1] Channelkirk in Lauderdale, Berwickshire.

Enclosure.

FROM ROBERT GRAEME.

EDINBURGH, 11 *October* 1745.

MADAM,—As those Ninty one guns that I left in the Closet, of which I wrote you to send to Dudistown, and that I was to keep the servant for a hostage, not being yet come to hand, and the hostage having made his escape, this is therefore intimating to Your Ladyship that if those arms is not sent into this place and Delivered to Colonel Strickland at Holly Rood house betwixt and Munday night you may expect the House Burnt and all military Execution upon all the Tennands belonging unto the estate, Sundays intervening will bear no excuse.

P.S.—Remember likewise to send in all the Carterage-boxes.

FROM LADY JANE NIMMO TO ROBERT GRAEME.

REDBRAES, 13 *Oct^r* 1745.

If you had Pleased to have told me when you was here, that Lord Marchmonts Tennants must carry in these arms, I could have made it plain enough. There must have been other orders than mine given. However I have sent this moment to hire Carts at my own expence to carry the Firelocks and Carterage boxes to Edin^r. If it be possible for them to reach that Place against Monday night I 'm sure they will, if not Tuesday morning will undoubtedly bring them. I knew nothing of the Servants runing away, nor could I give him any such order, as you (Sir) spoke nothing of keeping him for an Hostage when you left this place. I received your letter but just now ; it is ten o'clock Sunday morning ; you see I have not much time to provide Carts, but you may depend on the utmost diligence, as it would be very unjust for my Brother to suffer by my negligence.

FROM LADY JANE NIMMO.

Red Braes, 14 *Oct*r 1745.

After I had seal'd your letter yesterday so many more occurrences have happen'd that I must write again by the same post. Your Lordship will remember that I mention'd formerly a letter sent to a jacobite Gentleman to see to save my sending the arms. The answer was not return'd when the Arms went yesterday. However I sent John Hunter so far with the cart untill he met the Servant from Edinr, and appointed him to open any Letters he brought, that if we had any allowance, he might bring them back again. The inclosed will show your Lp there was no such thing to be granted. I was very glad they were sent in a Cart of my own hireing when I saw this beautifull order. I wrote to Collonel Strickland to receive the arms, and told him I expected He would allow the men and horses to return in Safety as they were Poor Fellows I had hired, and not belonging to your Lordship. I can see no reason for the noise They 've made about these Ridiculous guns, but that they would have kept your Lops Tennants Prisoners untill your Horses had been sent to them, which they were extremely vex'd to have miss'd. They got Mr Carre's four fine mares of Sir Robert Pringles, and everywhere on the way about to Kelso They 've got some. I wish it may be possible to keep your Lops out of their Fingers, for their whole army moves tomorrow morning somewhere, but it is not certain to what Place, some say to Coldingham-moor. They have been told that Nisbet Folks sent the Dragoons after them, for which they swear revenge. I have written to Nisbet to desire them to go to Berwick or somewhere else untill these Rascalls are past by. I forgot to acquaint your Lop that the Dragoons might have had the arms when they were here, but they would not take them, they were so bad, and said they were not worth carrying half a mile, which perswades me these Rascally Highlanders must have some other plot. I can't imagine what it is, and wish the poor hirers were safely home again. I shall let Your Lordship know what becomes of Them very soon.

Enclosure.

By order of his Royall Highness Charles Prince of Wales, etc: Regent of Scotland, England, France, and Ireland, and the Dominions thereto belonging.

These are ordering you to send in to the Palace of Holy-Rood-huse ninty one firelocks found in the House of Red-Breas by M^r^ Grahame of Garvock and the party that was along with him on Wednesday last, and there deliver them to Collonell John Stewart or the Master of the Ordinance for his Highnesses use under the pain of military execution.

Given at Edinburgh the twelth day of Octob^r^ 1745 By his Highnesses Command ALEX^R^ HALDANE.

To the Right Honou^ble^ Lady Jean Nimmo or to the Earl of Marchmonts doers at Red-Braes.

FROM PATRICK BROUNFIELD.

GREENLAW, *ye* 18 *October* 1745.

This is humblie beging your Lordships pardon for troubling your Lorship with These Lines But as the old saying is 'Need makes the old wiffe to Trott.' I suppose that your Lordship hath got a letter from your Lordships Honourable Sister, Lady Jean Nemo, which Letter as I am informed is levelled very much against me. But I hope your Lordship will not put too hard a sentiment upon it untill your Lordship be better informed. The matter is, Upon the ninth day of this Instant, about ten of the Cloack at night, there came to this toun Eighteen or Nineteen men blonging to the Hygland army, and I being by your Lordship's order one of the Constables was called out of my bed to give them Billets, and accordingly I did rise and went to M^r^ Stevenson's, and when I came there, M^r^ Archer had given the Billets; and as I was standing in M^r^ Stevenson's Kitching some of these Strangers was talking about these arms that was about your Lordships house and what way they were Gone, and I happened to say that the Earle of Marmount was not any way to blame about these arms goeing to Berwick for the Government had sent for them, and I also

said that I was at the recving them out of the Castell of Edinburgh in the year fifteen, and that your Lordships Honourable Father gave a Recept for them and that it semed to me that the Government had never any occasion for them till this time and soe never called for them.

There being in the Kitching two of your Lordships workmen that was brought as guids told Lady Jean the storie in a vast contrarie manner, and I can prove that these Guids as coming along with these strangers was asked what was come of the arms that was about the house said they were Gone to Berwick. . . . Malicious people here is allways telling me that Your Lordship with throw me out of my small pension which I have from Chellsea, and if Your Lordship should doe that, I should be Just rendered ane Intire begar, soe I refer myself Intirely to Your Lordships Clemencie and only begs of Your Lordship to let the business be further Examined into and that the trew matter may be reported to your Lordship; for it is very well knowen that the famillie that I am come of had always a grcat veneration for your Lordships familie.

FROM LADY JANE NIMMO.

REDBRAES, 27 *Oct.* 1745.

Tho' nothing can be a Greater Satisfaction to me than your Lordship's Good Opinion of M^{r} Nimmo, yet I would not give you the trouble of an Answer were I not both vex'd and nettled at the Folly and impudence of the Earl of Home to offer to raise a Regiment in this County. I could assure his Majesty, Lord Home would not get six men to follow him in the Shire of Berwick, and this not because they are Jacobites, but because they are Whigs, and would neither trust his Lordship nor any of his Friends. Some of his Relations speak Treason with open mouth, particularly M^{r} James Purves, who has been all this while spreading Treasonable Papers about this country, and is now arrived Here himself with a White Cockade on his Hat. All the language I can use will never give your Lordship an Idea how Perfectly Ridiculous it would appear to the People

in this country to talk of doing anything for the King's Service by Lord Home. Your Lordship may depend on the Truth of my Words when I assure you that the Generality of this Country are Hearty, well affected People and willing to take up arms for his Majesty and his Family; but on such occasions men do not fight either for Pay or Politicks but from Principle, and for that reason will never stirr but with one in whom they Place an entire Confidence, which is so far from being the case with Lord Home that I 'm sure the Effectual way to damp the courage of Honest Whigs Here would be to name Lord Home or any of his Friends. The Chevalier himself or his jesuits could not have hit on a more successfull method to allienate the Affections of his Majesty's subjects in this Shire than once to propose Lord Home to them. If this is all the Protection ordered for Berwickshire your Lordship will soon hear of every man's shifting for himself the best He can. I write not this either as Sister or Daughter to the Earl of Marchmont but only as an Honest Whig wife, firm in Revolution Principles, and most Heartily Grieved to see the Common Cause likely to suffer by Ignorance of the true state of this unhappy County. Will your Lordship be so good as to pay my Best Respects to my Lady and assure her Ladyship that it 's by far a Greater Compliment to me to regard M^{r} Nimmo than if He could give me thousands of Gold and Silver.

The Rebels were here on Wednesday the 9th, and the Dragoons set out from Berwick that same night at 11 o'clock and arrived here next morning by day break at the time the Rebels went from Greenlaw.

FROM LADY JANE NIMMO.

Whitehall, 10 *Dec^{r}* 1745.

. . . My Spouse writes news and Politicks. I have done with both and am so little satisfy'd with the security proposed for Edinburgh that I have no mind to trust my sweet Person There. However if I guess right things won't stand long in this way, and I believe our wandering is

but beginning yet. I know not how things appear att London, but this sett of Highlanders will not be so easy as the former. It was oweing to excessive care in their Prince and trouble to their officiers that they behaved so tolerably. Both of these are now gone, and one must prepare themselves to hear other sort of news of this army than the Last. There 's a fever att Berwick which kills numbers and looks very like a Plague ; eight or ten are Buried there at once. This misfortune keeps me from going There. . . .

FROM JAMES NIMMO.

White Hall, 10 *Dec.* 1745.

. . . However fully your Lordship hath justified your Loyalty at this Criticall Juncture, by the proposal you and others made to his Majesty,[1] I cannot help being concerned at its being Rejected, especially when I know by what means it was Refused, and what is substitute in lieu of it, by which I am deprived of the Satisfaction of seeing your Lordship in this Country for some time, and of testifying my Gratitude by showing my zeal for your Intrest. All I can now do is to inform your Lordship as particularly as I can of what passes in these Northern Parts, for which cause I have wrote to several of my friends at Edin^r^, who I think will have the best intelligence, and in whom I can most confide for the certainty of what is doing there, to accquaint me punctually with whatever passes, that I may be able to give your Lordship some information how things are going here. At present I can tell you no more than that at Edin^r^ they are Expecting a visit from the Highlanders and French that are at Perth. The Bridge at Stirling is said to be Broken down in one arch and made into a draw bridge to prevent their passing. On the 7^th^ in the morning one of the Regiments that were at Edin^r^ marched for that place, and they are soliciting for to have another sent after them. On the 8^th^ the prisoners taken in the ship brought into

[1] A proposal to raise troops for the defence of southern Scotland, rejected by the King on the advice of his Ministers. (See *Marchmont Papers*, vol. i. pp. 149-165.)

Leith to the number of 200 were sent to the Castle; they are said to be Irish. One of the Prineipal Ships that served for Transporting the Troops from France earrying about 36 guns stuck in the entry of Montrose Harbour, and was destroyed by Bing's Fleet, but the Rebells had gott out all her Loading and Guns. Severall people havc died at Edin^r^ of Fright from thc Cannonading of the Castle and Terror of the Enemies, I mean the Highlanders. As for the maintaining 1000 men at Edin^r^ for Defenee of the City and support of his Majesty's Government, it stood thus when I left it: every one subseribed an obligation to pay so many as he thought Proper for 3 moneths, and at subscribing paid in one moneth's pay in advanee. I subscribed to maintain 10 men for that time whieh was as many as any of the Commissioners of Excise or Customs subscribed for, or Lords of Session if I remember right; but as the 3 moneths from the datc of our Subseriptions are ncar Elapsed, I know not whether they will carry on a New Subscription, or raise the money on the footing of the Old, but, whichever of them it be, I am of our Friend M^r^ Carre's opinion that it will makc people for the future as eautious in showing their zeal as their money.

FROM JAMES NIMMO.

21 *Dec^r^* 1745.

What follows is thc Copy of a letter I had from Edinburgh yesternight. It is from one very capable of making observations on what passes, and is well acquainted with people of all Parties. 'The conduct of somc in the Ministry in objeeting to the proposal made by the Noblemen you mention was known here three weeks agoe, and gave great offence to the friends of our happy Establishment. The part which thc D. of Ar—lc[1] and his dependents have aeted has also raised many Jealousies in our minds. The E. of H.—m's[2] being appointed Collonel to this New Levied Regiment was a job of the J—tice C—ks[3] and

[1] The Duke of Argyle.

[2] The Earl of Home.

[3] The Justice-Clerk, Andrew Fleteher, Lord Milton.

strongly objected against. If a certain great man has offered in the name of the Town of Edin^r^ to raise on their own expense another 1000 men, I dare say he had no authority for so doing and will find the Plan impracticable. Everything here is conducted by the J—tice C—k and some well meaning people are made the tools; great disregard has been shown to the Sol—r.[1] There are no steps takeing here to supply us with magistrates; I wish the Government would take this opportunity of altering our Constitution and of putting us on the same footing with London. If anything worth mentioning happen I shall be sure to write you.' . . . The new levies in Edinburgh are not yet above 500. General Guest has retired again to the Castle; thither also the two Banks have thought fit to Send their Papers and Valuable effects. We are still in the country and have such frightfull storys from all hands, that we cannot fix whither to go for safety. I cannot think of goeing to Edin^r^ where I may be misrepresented as a Disaffected person if I don't joyn in Politicks that I cannot approve of in my own mind.

FROM JAMES NIMMO.

REDBRAES, 23 *Dec^r^* 1745.

Your sister received your letter of the 17^th^. I thank your Lordship for your kind advice therein, but I never putt anything into the Castle but the Publick money and books of accounts belonging to my office, and that was done by Direction of the Board as the safest place they could be lodged in. If the Castle should be taken, I imagine I cannot be Blamed, nor made accountable for what his Majesty's Garrison could not Defend. I did not goe to Edin^r^ myselfe but sent forward my Deputy, because your Sister would not part with me out of her sight after what befell me in my road to London, and I could not think of making her Travel through such Roads, in such a Season, considering the uncertain state of her health. There is letters printed at Edin^r^, sent by the Shirrif Deputes to all the

[1] The Solicitor, Robert Dundas, second son of Lord Arniston.

Ministers and Heritors of the County of Berwick, in order to raise the Country to assist the King's forces, and to oppose and obstruct the passage of the Rebells. (This was) founded I suppose on a Paragraph of the Edin^{r} newspaper which says that on the 19th at night arrived an Express with certain advice that Coll. Heron arrived in the shire of Dumfries on the 18th, vested with a Special Commission from the Duke of Cumberland dated at Lancaster, in order to raise the country in the Southern shires ; but of what use they will be without Arms is more than I conceive. I wish this may open the eyes of the Ministry to see of what use the country people might have been had they been armed, or had your Proposal been accepted. This moment John Hunter got a line by Express from the Laird of Swinton desiring him to meet him at 5 at night at his House, to concert with him, John Hood, and some others, what is proper to be done on this occasion. . . .

FROM LADY JANE NIMMO.

I can't help returning thanks after all my Spouse has said for your very seasonable Advice concerning Resignation. No one needs it more than I do att present, not but that I might possibly take the spoiling of my Goods chearfully enough, were it not almost unsufferable to be Jobb'd out of them. 'Long Live the Brave Duke of Cumberland,' say I. My Love for him is so great that I Heartily wish there were no other Duke upon the Face of the Earth but He. . . .

FROM LADY JANE NIMMO.

Redbraes, 28 *Dec^{r}* 1745.

. . . I incline to credit your Lordship's opinion of matters more than what is commonly reported att Edinburgh that the Duke will certainly come Thither. That Town has sent deputys to his Royal Highness to beg his assistance, but if the enclosed be true, the Leaders there want no such Company. However, it was the well affected inhabitants and not the Managers who sent the Deputation.

Cheap (mention'd in the Letter I send) is a ereature of Lord J. C. and by that your Lordship will guess both the Leader and Judge. My daughter, who was att Edin^{r}, eame here today. She tells us sueh is the Loyalty of the Direetors att Edin^{r}, that the Commission for Lieutenant Collonel to Lord Home's new Levies was offer'd to one Murray, general reeiever of the Customs, a noted Jaeobite, and He was so Honest as to eonfess himself sueh and for that reason would have no sueh Command. The Levies at Edin^{r} went on so slowly that now They join Glasgow, and makes but one Collonel whieh is Lord Home, and Lord Gleneairn is eontent to be Lieut-Colonel under him. All newspapers here are full of the Duke's eoming to Seotland ; I dare not Hope for so mueh Good Fortune.

Enclosure.

26 *Dec^{r}* 1745.

. . . The Duke was besieging Carlisle when we reeeived your last aeeounts. Some Gentlemen deputed by the well affeeted Inhabitants of Edin^{r} have gone to wait on him, and to beg His Royal Highness would take the most effeetual and speedy measures for our relief. A eertain Judge begins now to appear in his own eolours, an enemy to our happy Constitution, to the eonvietion of his own friends. M^{r} Cheap, the Colleetor, has the main hand here in eondueting all publiek affairs, happy situation.

FROM JAMES NIMMO.

Redbraes, 4 *Jan.* 1745/6.

. . . The Town of Edin^{r} has eome to the Resolution to defend themselves, should the Rebells steer their eourse that way. Aeeordingly intimation was made from the Pulpits last Sabbath day of sueh a Resolution in a Couneil of War, and desiring all the Inhabitants that ehose to stay in Town to lay in 5 or 6 days' Provisions, in whieh time they hoped to be Relieved by the forees from England, of whieh 1500 arrived on the Seeond, as I am informed by letter of that date, whieh eaused sueh joy in the City, that they put Candles in their Windows, in the same manner as is usual

on the King's birthday. So many of the Ports are built up, and proper defenses making at all of them. Within these few days past there has been brought in from the neighbouring Congregations in the Country about 1000 able bodied men, all fitt for bearing Arms. The Deputys from Edin^{r} dined with the Duke on Sunday last, and write that, as far as they can judge from the strain of the Discourse, he had no intention of entering Scotland. . . .

FROM JAMES NIMMO.

REDBRAES, 9 *January* 1745/6.

. . . They say it is more generaly believed than it was before that they will hazard another Batle rather than let their men pass the water, fearing if once they gett thither, they will Run Home to their own Country. Should our Troops meet with another Ruffle [?] which God fforbid, and the Duke not come down till March, what a miserable situation must this poor Country be in till that time, and how will such as are not firmly fixed in the Principles of Loyalty be ready to fall in with the Enimy, on a specious Pretence that their Country has not been sufficiently Reguarded and Protected. . . .

FROM LADY JANE NIMMO.

I could say if I durst, but speaking does no good. I remain here as uncertain as I have been every week since the first of October. Nothing hinders my return Home immediately but the warlike Spirit of my Spouse, whom I darc not trust att Edin^{r} whilst there are any thing like Volunteers there. Meanwhilc it 's abuseing Discretion to Stay Longer att your Lo^{ps} House, for which I intend sending Home my Family next week and keeping (if Possible) my Husband from seing Ed^{r} as Long as I can, either att one Place or other, untill one can guess what is to be expected betwixt [now] and March. The Rebels (everybody agrees) would be an easy Prey att Present, but whether They may'nt pick up more men and spirits too bcfore March is a question. I Hopc nothing nor dare do so, when one considers thc Fatal infatuation of all Councills.

FROM LADY JANE NIMMO.

Redbraes, 13 *Jan*^{y} 1745/6.

I wrote you last post that M^{r} Nimmo had so much the spirit of Opposition, against the Highlanders att least, I would by no means Venture him again amongst Volunteers. But my Schemes are not to be successfull this year, for Business att the Excise office call'd him to Edin^{r} on the 10th, and he writes me last night I need be in no sort of fear for His Fighting, as Little of that kind is going on there. He Likewise appoints us to be ready to set out on the 16th, when he will send a machine to bring us Home. A piece of news he writes too, which I think very improbable; that is, Private letters from London give them ground to expect the Duke of Cumberland att Ed^{r} this week. I Look on this news as great nonsense, but it 's more certain that 16 Transports and 2 Men of War have past Berwick to the Northward, but wher Hessians or French no man knows.

FROM JAMES NIMMO.

Edinburgh, 14 *January* 1745/6.

I Received your Lo^{s} of the Second. I cannot Lament your friend's loss of his Office, the cause of it endears him to every honest heart in this place. A man cannot fall in a better cause than in the defcnce of his Country. Never was greater murmuring heard among the best affected Inhabitans of this City than are at present against the Management of affairs here by the L.J.C. and my Lord Home. The last, I am assured, has only a Coll^{s} Breviat without naming any Particular Regiment he is to Command, and yet by the Influence of the first he has assumed the Command of the Edin^{r} and Glasgow Regiments, much against their own Inclinations. He has Dismissed above 300 Pretty fellows out of the Edin^{r} Regiment in a Very Arbitrary way, without giving any sufficient reason for it; the Grays have enlisted 14 of them, and not a Regiment in the Service but would be glad of the worst of them as I am informed by some of their officers. This and other steps

of his conduct has raised such grumblings that the Ministers of this City and Presbitry have Resolved to inform the Committee who have the management of such affairs that, if measures are not changed, of the £75 they were to pay monethly for the subsistence of this new Levid Regim^t^ they will pay no more, and there Example, I imagine, will be follow'd by numbers of the best affected in Town. It is a Lamentable affair, that men who Pretend to zeal for the Present Government and happy Constitution should Risque their most valuable interests rather than forgoe little Jobbs and Selfish views; it makes me doubt much the sincerity of their Zeal. . . .

FROM LADY JANE NIMMO.

HAMILTON LODGE, 31 *Jan.* 1745/6.

. . . The Arrival of the Duke of Cumberland fill'd every Honest Heart with joy, but no dishonest one was pleased with it, I can assure you; and no wonder it should be so, since by his behaviour here, everyone sees that his firm, generous mind can be influenced by nothing but the real service of the Government, without respect of persons, a very uncommon Sight in this poor unhappy Place. His Highness came into Town att 3 o'clock yesterday morning. He order'd the Castle to delay fireing the Guns untill He should return Victorious. He spent Yesterday chiefly on the military affairs and could Scarce allow an Hour for the Compliments necessary from the Loyal Part of this City. Lord Cathcart intreated him to bestow half an Hour upon the Ladies which He granted att Seven, and above 60 Ladies, I hear, were admitted. T'was not want of Loyalty that kept me from being one of that Number, but a desire that His Highness's Court should not be composed of old Women. The whole army and their Brave Commander mareh'd out this morning to Linlithgo'. The talk in town is, that the Rebels are att Falkirk within 6 miles of Linlithgo, and now it 's so near a Battle that I own my spirits can scarcely support the apprehensions I am under for the Duke's person, as nothing will prevail upon him to take the

precaution, used by their cowardly Pretender, which is to be always 5 cannonshot off from the Field of Battle. His Highness the Duke, who has his Business only in view, would be no means take Idle Gentlemen with Him, by which order the two noble Earls of Home and Glencairn are in our Good Town, whilst their Brethren are in the Field. Every Body rejoices att this Pretty reproof of the Duke's to these Nobles; their Behaviour att the Last action was so notoriously Scandalous. Our friend is of opinion the Rebels are not come to Falkirk, but with a design to give our army the slip, and make towards Glasgow, but the odd custom of getting no intelligence prevails so much still, that no body knows whether they 're really att Falkirk or not. It 's said the Regiments that behaved so ill at the Late Battle would much rather have Faced the Highlanders than the Duke of Cumberland. . . .

FROM LADY JANE NIMMO.

Ed^R, 6 *Feb^ry* 1745/6.

. . . In This Town everyone tells his own Lie with so much assurance it 's impossible to find the Truth, Happy, However that in the main Point all agree, viz. The Rebels are Fled. Meanwhile the Safety of the Duke employs the attention of everyone; some dread their drawing His Highness amongst the Hills, may be with a design to Hurt him, but I firmly believe There was no deeper Politick in their Flight than to save Their own Bacon. Their Pretended Prince was not with them either att Hawley's Battle, or when the Duke went from Hence. It 's reported that He sail'd from Montross in the Hazard sloop on Thursday the 30th of Jan. and today He and 12 of his chief men are said to be Caught in that sloop by the Man of War which was in Pursuit of her, but this Story wants confirmation. . . .

FROM LADY JANE NIMMO.

Ed^R, 8 *Feb^ry* 1745/6.

. . . The Duke of Cumberland lay att Perth on the 6th; it 's Thought He 'll go to Montross if not Aberdeen. Mean-

while This Rebellion so formidable in appearance seems to be actually att an end. Two thousand of the Clans kept together the length of Perth, but in the utmost consternation and were offering there to sell their Firelocks for sixpence a pieee; The Duke found 25 cannon att Perth. In spite of all this Sueeess, if you Wise People above don't think of some expedient to demolish the Highlands in General, Seotland must be a prey to these Savages whenever They Please. . . . There are great disputes in this Family about my waiting on The Duke att his return with the rest of the Ladies. My Huswifery thinks it not att all neeessary, but our Friend Imagines it would be a reproach to all the Family of Marchmont; we would be very glad of your Lordship's opinion to determine this weighty Point. Just this moment the Castle fires for the Safe arrival of the Hessians, of which we are all very glad, as the Stormy Weather lately has given us apprehensions about them. Your Lordship's Friends Here wish Heartily that as you resolve to eome However it might be so much sooner as to find the Duke Still Here. I think all the Seotch Nobility should have come without leave to do the Honours of their Country upon His R.H.'s arrival. . . .

FROM LADY JANE NIMMO.

Ed^R, 15 *Feb^ry* 1745/6.

. . . The Duke is expeeted in this plaee tonight, in order, as it 's said, to earry the Prince of Hesse and his men with the rest of his army. 2000 of the Hessians march'd out today towards Linlithgow and Borrowstouness. The Ladies of Ed^r need not to wish for a better Champion than your Lordship. There was only three Suspected Ladies at the Duke's Court, and these three were Beauties whom everybody knows would show their Fair Faees any where, but the intimation was so short a time before the Drawing room met that few eould go there. The Flameing Whigs have not yet made their appearance; they Design to Distinguish themselves by wearing new cloaths, and in that I can assure your Lordship not one Jacobite will Join them.

FROM LADY JANE NIMMO.

Ed^R, 7 *March* 1745/6.

. . . I cannot be so dishonest as to take the Praise of Prudence when I don't deserve it. My Silence about the Ball proceeded from my information that att London ye were no Strangers to People's Characters, and what appeared to me very scandalous would not surprise you att all. It surprises me still, However, that any one should think it a fit time for danceing, when the Duke was for our sakes exposeing himself to the Severity of the weather and other inconveniencys. The Ball might very well have been spared untill his Royal Highness return'd in Peace. I can't tell for what reason it was, that the Prince of Hesse would have none but Jacobite Ladies att his Ball; perhaps it was because the Lady who assisted keeps no other Company. Be that as it will, The True Friend of the Whigs, I mean the Duke of Cumberland, revenged the quarrel very prettily by a most excellent speech he made his Brother att Lord J. C.s where they sup'd. They talked of what a great deal of work His R. H. had with these Rebellious Highlanders. He answer'd yes, but he would have great assistance from the Prince, for while He fought the men, The Prince would be converting the Ladies for Him. I know no body has been so Happy in speeches of that sort as the Duke; he has made two or three more of the same kind since he came Here that are excellent. He is unquestionably a most surprizeing Creature; God grant him a safe return. We know nothing of him Here. All intelligence from his Royal Highness goes straight to London; He sends hither almost none; we are only told that the Highlanders encrease daily and are now in great Numbers at Inverness. The Duke is so ill pleased with St. Clair's Regiment that He has sent them back. I tremble for his Life when I consider how many of his own officers are Jacobites. Whatever be the reason I 'm convinced the Rebels are either assured of some mischief amongst ourselves or of Succour from France that they still continue their Ridiculous Project. . . .

FROM JAMES PRINGLE.

EDIN^{R}, 20 *March* 1746.

. . . The Duke is the Darling of every honest Whig in Scotland, which, notwithstanding all that the lying Scoundrels in the City Coffee houses say, as a hundred to one, tho' I am sorry to say it that there are in this town severall people turn'd out Jacobite whom I should never have suspected, and on the other hand some people wear the faces of Whigs who I am afraid are not Sound at Bottom. I wish none Such may be admitted to any Share of the management of affairs. We drink his R. H. every Day under the Title of Laird of Gowrie, because the town of Perth, which, notwithstanding all it has Suffer'd, is very loyall, has given him a present of a House and yard which was the Seat of the family of Gowrie. . . . We were Surpris'd today with a story of a mob at Ed^{r} in the Gazet when there was not the least foundation for it, that has been a damn'd English fiction, for I dare say no good Scotsman would be such an Enemy to his Country. I assure your Lo^{p} if you were in this town, you would get your all Whig principles brighten'd up by the impudence of the Jacobit Scum, at least it has had the effect on me, not to fix me more solidly in Whig principles, for that was needless, but to sharpen my keenness to have them put in practice.

FROM JAMES PRINGLE.

ED^{R}, 27 *March* 1746.

As I have never heard of any of your Lordship's Letters since I came to this Place I presume that they have been pickt up at the Post house here where any Thing coming from your Lordship or M^{r} Hume is thought to be of dangerous Consequence, and therefore not to be let pass without a search. It were to be wished a Search were made into certain Correspondencies which may be more dangerous to the State. This I may safely say, the Correspondence kept up at Present betwixt some People who pretend to be

friends to the Constitution and others whom all the world knows to be Enemys to it gives great uneasiness to every one here who is well affected to his Majesty's Person and Government. Your Lordship may be sure it 's pretty hard for us to bear to hear the Jacobites openly boast of their getting Notice of every Piece of Intelligence as soon as it comes to Town; but as they are accustom'd to Spread Lies I believe this to be one; only I can say this for them, that they have a pretty good and early guess of several things that ought only to be known to other People. This I hope will not be taken as any Reflection upon our Managers here, whom we have had the experience of for Twenty years past and who by this Time must undoubtedly be compleat Politicians. I don't know what is the Matter with the Whigs in this Town, or what has become of them, but so it is that one would think they were all dead or turn'd Jacobite; and were an Englishman to come here it would Confirm him in the Notion they have, that the Scots are all Jacobites; for nothing is to be heard upon the Streets but their Lyes, and if one see three or four People gathered together upon the Streets its Ten to One but they are of the same Kidney. What this proceeds from I will not undertake to determine. But one thing is allowed them in this Place, which in my opinion is an open affront upon the Government and no doubt contributes greatly to their Impudence, and that is, in their being allowed twenty or five and twenty Meeting Houses where they meet every Sunday, and not only don't pray for King George, but pray for the Pretender and the Success of the Rebellion, tho' perhaps in such quibling Terms as, they may believe, are without the reach of Law. This moderation in our Government here may procure our Governours the name of humane good natured men, but I dare say it will never be alledged that Humanity of this Kind at such a juncture can procure any friends to the Government.

The late Justice Clerk in the 1715 acted otherways, and as I 'm informed, shut up all the nonjuring Meetinghouses, and I never heard that he was condemned for it; and one would think the Evil of Such Meetings should be obvious

if it were for no other thing but the giving the Jacobites an opportunity of plotting and cabaling together to the prejudice of the present Establishment, which, for anything I can learn, they are at Liberty to do at Present without interruption in any manner they think fitt. At least I can say that they vent their venom in a very publick manner, and I don't hear of any being taken up ; tho' many daily walk the Streets who were every Day wating upon the Pretender's Son while he was at the Abbey, which as I apprehend is a criminal Correspondence falling under the late Act of Parliament. But as all these matters are proper Subjects for the Enquiry proposed by Mr Hume the Beginning of this Session, which, tho' it was not thought convenient at that Time, is still necessary, and I hope will be again in due Time moved for . . . . By what I can learn Fort William is in a bad way, the Governour being a Man not much to be relied on. I wish a great deal more could be said for his namesakes and Countrymen the Argyleshire men ; they followed the very Colours in Hawley's Army at the Battle of Falkirk that they followed in my Lord Mar's Army in the year 1715. A Party of them was lately surprised near the Blair, and now another party of them surprised in the same manner at Keith, and, if reports are to be credited, no less than Eight hundred of them run away and left Lord Loudon and obliged him to cross the Murray frith. All these and severall other Circumstances make ignorant People here, who are not in the secret of politicks, imagine that the Argileshire men are very much o' kin to these well affected Clans the M'Kenzies and M'Kintoshes, who make so noble a figure in the London Gazette under their female Leaders. It were to be wisht that this Example would learn these in power to trust some other than Highlanders, or the Heads of any Clans, be they never so well affected. For this I am persuaded of, and I wish we don't find it to our wofull Experience Some day or other, that the best affected of the Clans, the Argileshiremen not excepted, tho' I believe, indeed, they are the least to be dreaded, will prove a broken Reed and run into the Hand that leans to them.

FROM JAMES PRINGLE.

EDIN^{R}, 29 *March* 1746.

. . . The mighty noise of what the well affected Clans were to do for the Service of the Government, and the reports of the Crowds which flock'd in to Lord Loudon for its defence, seem now to be at an end. Would to God the whole who call themselves clans were in the Same Situation, for as I take the affection of all of them to the Government to be much about it. I am for setting a friend, even tho' of Argileshire, along with a foe, that the Government might not hereafter be bubbled [?] and Gull'd of their money and arms by trusting to Highlanders for the defence of this Country. For I dare venture to say that whoever advis'd the administration either to make use of North or West Highlanders was either very ignorant of their nature or great enemys [?] to the Low Country, and so has appeared in the whole Course of the management, for in all the occasions which they have had to meet the Rebells they have shown no inclination to fight. . . .

FROM JAMES PRINGLE.

ED^{R}, 3 *Aprile* 1746.

. . . By what *M^{r} Nimmo* [1] told me I have reason to imagine all my letters have not miscarried. *Justice Clerk* goes on in the same way but it 's now said that *the Duke* [2] *has given* [*over*] *all correspondence with him* having found out that *he betray'd him.* Whether true or not is not certain as to the last part but the first is certainly fact, and I am told that the respect of *a change in the ministry* has made the *Justice Clerk look very blank.* . . . We are told here that the Duke was to march from Aberdeen as that Day but we have no certainty for any thing of the kind in this place. We are longing very much for the wind changing to bring down these Troops the newspapers have promised us. I hope by this Time *the King have got the ill of High^{ders}*; it is certain that the Duke absolutely refus'd to allow any High^{ders} to join his army. . . .

[1] Italics indicate in cipher.

[2] Cumberland.

FROM JAMES PRINGLE.

EDIN^{R}, 22 *Aprile* 1746.

. . . As none of our People here have had any Expresses, we have no further particulars any way confirmed but they are all expected in this nights' Aberdeen's Post. But what is very wonderfull, the Jacobites here won't believe a word of it tho' there are two people in Town who were present at the Action—one Captain Middleton, Commander of the Shark Sloop, who landed Lord Burry at North Berwick, and the other a servant of M^{r} Maxwell's, Chief Surgeon of the Army, who did not leave Inverness till Four o'clock Thursday morning, and says that at that Time the killed were reckoned to be 3500 and the prisoners 1500. *It is matter of great speculation that the J^{ce} C^{lk} has not got any notice from the Duke off his battle.* It 's thought here that *the Duke has got some bad impressions of him*, and it is no wonder considering all Circumstances. I was informed this Afternoon that *the D. of Argile has promised to get the Edin^{r} Militia regimented to E. Home* which will be most Scandalous, but I suppose *the Duke* will put a stop to it for he is very wel informed of all matters.

FROM JAMES PRINGLE.

ED^{R}, 29 *Aprile* 1746.

. . . Sir Robert [1] and I, according to our resolution, have made out our Expedition the length of Stirling, which I think has been very well worth while, for at Falkirk we saw the Field of Battle, which is certainly the most extraordinary that ever any general led his Troops to, when he was under no necessity. They had a hill side to march up, the hardest part of which took a man over the shoes, the Horses to the Knees, and the Cannons almost over the Wheels, which occasioned their sticking fast and never getting up. And when the men had got to the Top of the hill their Field of Battle was little better, but their matters were so managed that it was of no Consequence what Sort

[1] Sir Robert Pringle.

of Ground the field of Battle was. For the left wing never got up to it, having met the Dragoons running off before they got to the Top of the Hill, upon which they turned and run off with them, and carried away the Royals at the same time, who should have made part of the Right wing and were got very near their Ground, having not so far to climb, but the Remainder of that Wing having made their ground good got a little Glen upon their front, over which the Highlanders could not pass without laying themselves open to be cut to pieces. This Ground they kept, giving the Enemy now and then a Platoon, till the Highlanders thought fit to run off. But as the right of the Highlanders who were pursuing the Dragoons and the left of the King's Army were in hazard of taking them either in flank or Rear, Husk made a party of his men face about that way and march two or three hundred yards to the East and give them a fire, which put an immediate stop to the pursuit and made them run as fast to the west ward as they could. Whereupon Mr Husk led down his men to the Camp, and by the way pulled out three of the Cannon from Mudd, and having deliberatly paek't up all the Bagage belonging to these Regiments, mareh't off for Linlithgow in good order. So much afraid were the Highlanders for that handfull that they did not pretend to come near the Camp till they had certain intelligence that He was two miles from it. All the Country eomplains of Hawley that He neither would take advice nor reeeive intelligenee. . . . We saw also the Church of St. Ninians where nine of the Towns people were blown up. The story of their being invited to earry off what was there was certainly true, and only these nine had the misfortune to be cateht. It would be tedious to give your Lordship an aceount of the Siege of Stirling, but in generall the highlanders lost above six hundred men before they could erect their Battery, upon which they planted three very pretty Cannon, but before they had plaid two hours they were so well plyed by the Cannon from the Castle that they were all beat to pieces and their Battery Sileneed. Some of the Cannon from the Castle have been so well pointed that one of the Highlanders' Cannon has no

less than nine wounds upon it, and some of them so very deep that it was quite Surprising. Notwithstanding of all this, the garrison lay under Disadvantages in the want of Stores and many other things, quite scandalous to the People who have the management of these affairs, and, what is still worse, are not to this day supplied with any one thing, so that if any Misfortune had happened to the Duke's Army, so as to allow the Highlanders to come south again, the Castle must have falen a Prey. . . .

FROM LADY JANE NIMMO.

EDR, 3 *May* 1746.

I cannot Deny myself the Satisfaction of sending you a piece of news which givcs me a great deal of Joy. It 's possible better hands may send a more distinct account of it, but no one can be more heartily Pleased with this Change than I am, first as a Whig, and more so as the Daughter of a Patriot. But that Your Lordship may see this in its full Light, I must go back to the Behaviour of our Quondam Patriots, Steuart and Coutts, who took that Name to play their Devil's-tricks in, and by so doing have in this Country render'd the very sound of the word Hatefull, Suspected, and Detested. Sir Hugh Dalrymple and his Brother turning out pretty open Jacobites helps it forward, and alltogether must unavoidably have Consequences which I need not tell Your Lordship. But to return to my Story. The Wisc Political Mr Coutts, after trying a third device, which was he and John Gordon (Steuart's father in law) keeping secret Cabals with a certain person Here, did att last throw off the mask and declared himself a Jacobite on Thursday last. How Satan prevail'd upon him to play the ass so egregiously is more than I can tell, but so it was that He appear'd att the Head of thc Whole Jacobite part of the Counsel to sign thc Address to the King. The Counsel was eall'd for that purpose, and every one desired to come of that Number. Coutts immediately sends about to all the Jacobites, even those who had allways opposed him Hitherto, and camc with his crew in Hopes to be Chosen

Presses to the meeting, but to his great mortification lost it by ten Votes, tho' the Whigs knew nothing of the Plot, nor had Spoke to one Single Person. The Thing came out naturally enough, tho' unsuspected by him. Every one in Town from the Highest to the Lowest were fully convinced of his Villany, and panted for some opportunity to show it him, but the Knave till now had carried matters so smooth that they could never get any fair hit att him. Guess then att the Torrent when so open a step gave them ample room to declare themselves. He had no sooner lost the Question but a loud clap from the Bystanders within doors gave notice to Those without, who raised a Huzza strong enough to lett M^r^ Coutts understand he had no more to expect from the Good Town of Edin^r^. So lett him fall, and all Rogues, say I. Every thing help'd on his perfect and compleat Mortification, for he saw his old Friends of greatest worth in Town, who had firmly supported him and carried thro' every thing while they thought him an Honest man, now rejoicing att a fair occasion of letting him understand They had found him out. Besides they chose M'Auly in his Place, whom He (and all the Town) knew would never have been preferred on any other Occasion, which gave him a full hearing of that Sweet Voice, ' Any one rather than Coutts.' My letter swells beyond expectation, but it was impossible to restrain myself. Thanks to the Duke, his Jacobitism can do us little Hurt, but Lack-a-Day for such a Patriot. That 's a jobb I shall never forgive him.

TWO FRAGMENTS OF AUTOBIOGRAPHY

BY

GEORGE KEITH, 10TH EARL MARISCHAL OF SCOTLAND

Edited by

J. Y. T. GREIG, D.LITT.

INTRODUCTION

THE following documents, hitherto (as far as I know) unpublished, are to be found among the Hume MSS.[1] in the possession of the Royal Society of Edinburgh, by whose kind permission they are printed here. They are not signed, and the handwriting has not been identified; but both internal and external evidence establish beyond any reasonable doubt that they are fragments of an *Apologia pro vita sua* dictated by that engaging ex-Jacobite, George Keith, 10th Earl Marischal of Scotland. They were probably delivered to Hume by Adam Ferguson about the year 1774, Ferguson having visited the Earl Marischal at Potsdam.[2] Eight years earlier, Hume, who was still playing with the idea of continuing his *History* from 1688 to 1760, had asked the Earl Marischal for information about the Jacobite rebellions.[3]

George Keith was born in Aberdeenshire about the year 1693, and succeeded his father as Earl Marischal in 1712. While still a boy he served in the British Army under Marlborough. Troubles began for him only when Queen Anne died. He either resigned or was deprived of his commission, retired to Scotland, and along with his younger brother James (afterwards Frederick's Field Marshal), joined the Earl of Mar. When the Rebellion failed, he escaped abroad, was attainted, and deprived of his estates.

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[1] Vol. XIII, folios 44 and 45.

[2] Letter from Earl Marischal to Hume, MSS., Vol. V, fo. 118.

[3] Letter from Earl Marischal to Hume, MSS., Vol. V, fo. 114 (reproduced in *Letters of Hume*, ed. Greig, 1932, Vol. II, p. 365).

For some years he remained one of the leading Jacobites in France and Spain. He even led the abortive expedition to the Hebrides in 1719, was severely wounded at Glenshiel, and again escaped to the Continent. Thereafter, as the documents that follow plainly show, he played a diminishing part in the inner councils of the exiled House of Stuart. Though remaining loyal to 'the old Gentleman' at Rome, he had little respect for the elegant and scatterbrained Prince Charles Edward, and even less for his associates and counsellors. The Earl Marischal, in fact, proved too cautious, shrewd, and worldly-wise for the new generation of Jacobites; and in the end parted company with all of them, followed his brother into the Prussian service, and in 1751, much to the annoyance of the Court of St. James's, became Prussian Ambassador in Paris.

By this time he had lost all sympathy with the Jacobites. Partly through his own efforts and partly, it would seem, through the mediation of Frederick II., he obtained a pardon from George II., and so was enabled to visit London in 1759. It was at this time that he first met Hume, with whom he called cousins through the Falconers, Hume's mother's family. They became fast friends.

It was not until several years later that the Earl Marischal visited Scotland. He was back at Neuchâtel by 1762, in time to welcome the fugitive Jean-Jacques Rousseau and offer him protection. The account given by Rousseau of this first meeting is familiar to all readers of the *Confessions*. The Lord Marischal, we are told, was thin, wrinkled, and seemingly worn out by the vicissitudes of his long, hard life. He had an offhand manner, too, which gave offence to many people; he hated pomp and set speeches. But Jean-Jacques took to him at once, and he to Jean-Jacques.

There was some talk then of a retirement to Keith Hall, with Rousseau ('the honest savage') and Hume ('le bon David') as companions in this 'solitude à trois.' But it

came to nothing. In the winter of 1763-4 the Earl Marischal, after an absence of nearly fifty years, returned at last to Scotland in the hope of settling his affairs. It seems that he entertained thoughts of ending his days where they had begun, and of laying his bones in the family vault. But it would not do. This 'old Guebre by religion,' as he called himself, had remained too long in foreign parts. He had acquired Continental habits, and even a Continental tongue: he found it easier to speak and write Spanish and French than English. Presbyterian Scotland irked him. It aroused his scorn that Aberdeen ministers (including George Campbell, Principal of Marischal College) should condemn the withdrawal of letters from the post-house on the Sabbath Day. He in turn offended Scotsmen; for he did openly, after the manner of the Latin peoples, what the British did secretly. He took about with him a young ex-Mohammedan girl whom every one believed to be his mistress, and whose presence among douce Edinburgh folk prompted Adam Ferguson to crack an amusing but unprintable jest in one of his letters to David Hume, who was then in Paris.

And so this last of the Keiths, hereditary Earls Marischal of Scotland, forsook his native land once more, but this time of his own accord. He retired to a villa at Potsdam which had been presented to him by Frederick, 'le Père Gardien.' And there he lounged and was idle and entertained his friends and did exactly as he pleased during the fourteen years of life that remained to him.

J. Y. T. GREIG.

TWO FRAGMENTS OF AUTOBIOGRAPHY

I

Il faut que Je me contente de ne point Etre blamé par un petit nombre dhonete gens et qui me conoissent, car Je ne puis le pretendre de ceux qui m'ont noirci exprés, ni de ceux qui pouroint croire avoir besoin de persuader que jai eu tort, parce que mon avis etoit si diferent du leur : Je nai point varié parce que Jai suivi la verité et les demendes du parti ont eté m'on guide ; Jai dit de bonne foy ce qui me paroissoit, et Levenement ne justifie que trop que ou Je conoissois mieux le pais, ou que Jetois de meilleure foy que les autres. Jai enfin pris le parti de la retraite, car nos affaires sont sans ressource qu'ant même ont voudroit prendre des mesures Justes, Je vous dirai simplement qu'elqu'es faits dont la verité est constante pour vous convaincre que Je n'ai autre parti a prendre.

Des Laffaire de Dunkerke de 1743 il etoit clair qu'on ne vouloit point de moi ni du Duc Dormond non plus, car non seulement il ne fut consulté en rien, mais le Courier pour lapeler Davignon pour venir sembarquer ne fut envoyé de paris que le Lundi, qu'ant le Jeudi de la meme semaine ont comptoit sembarquer et m'etre a la voile a Dunquerke : Jetois alors a Paris, le secret me fut gardé avec soin, Je ne fus admis a faire ma cour au Prince qu Environ quinse Jours apres son arrivée a Paris, quoi que bien du monde avoit deja eut cet honneur, S. A. mordona la premiere fois que Je la vis daller sur le champ a Versaille donner mes propositions a legard de lecosse, Ji fus, Je les donois par ecrit (comme M. Amelot me demenda) on me pressa de partir tout de suite pour dunquerque sans la moindre reponce a mes demandes en massurant cependant que Je Laurois le lendemain a Paris, ou que Je la trouverois a mon arrivée a Dunquerque chez le marechal de Saxe : Je n'en eus Jamais ; il Est vray quaprés que cete affaire avoit

entierement Echoué Mr amelot me fit l'honeur de mEcrire qu'il Etoit a considerer mes Demandes. et quil men doneroit bientot une reponce, Je revins a Paris ou S. A R. le prince vint quelques mois aprés. mais Je ne fus point admis a lhoneur de le voir, il netoit pas même permis a ceux qui etoint aupres de lui de me voir, ou davoir aucune corespondance avec moi Je men fus rejoindre a avignon mon ami Le Duc Dormond cependant mes compatriotes demandoint du Prince que Je fusse uniquement consulté dans leurs affaires : ceci Jai eu par Ecrit de la main de M Murray de Brougliton qui parloit au nom de tout le parti en Ecosse, et ce netoit pas la premiere fois, qu'il me soit permis de Dire que le Prince devoit cete complaisance de mecouter a une Nation si fidele, et si attachée a sa maison. Si on avoit trouvé que mes avis ne valoint rien, le parti auroit dit a S A R de ne plus me consulter, mais si cetoit seulement que les Ministres français vouloint m'exclure (excuse que Je scai a eté donnée) Je doute que la raison soit sufisante, et Je suis persuadé qu'un Prince Sage doit plutot Ecouter la voix generale de Son parti, que le Conseil Secret de quelques particuliers, ou meme celui des Ministres dune Nation actuelement en guerre avec son pais, et de tout tems Son ennemie

Jai trouvé dans S A R. le Duc De York la même prevention contre Moi il ne me disoit pas les affaires au Juste. 5 a 6 milles hommes etoint 15000 milles : si Je donois un avis selon ce que S. A. me disoit Je trahissois la cause, et mes amis en donnant un qui ne pouvoit etre Juste, si Je donois un avis selon le vray nombre, force, et situation des affaires du prince Jetois accusé de faire des dificultés : a Boulogne quant il comptoit sembarquer vers le soir, il ne me dit pas seulement tenes vous pret a partir, quoi que Jeu ce Jour la Lhonneur de diner a sa table et de rester quatres heures avec lui : et quelques tems apres quant desespcré de voir echouer tout Esperance Vers Langletere, et entrainé par Lamour & pitié de mes pauvres compatriotes, et par La bonne opinion, amitié et respect que Jai pour Mrs les fitzJames, et Milord Clark qui devoint a ce qu on me disoit comander les troupes qui alloint en

Ecosse, Je demandois permission au Duc de passer volontaire avec Eux, il me la refusa disant quil me gardoit pour passer en angleterre avec lui

Javois soufert beaucoup de Rhumatisme a Boulogne, Je revins a Paris pour changer dair: Je trouvai quon macusoit, Je parle de quelques Ministres de france de les trahir; on avoit dejà dit que Je decouvrois tout ce que Je savois a M. LD. Morton: des lors Jetois davis, comme letoit aussi le Duc Dormond que cetoit un pretexte pour ne me rien comuniquer, il est evident par tout ceci, et par mille autres choses quon ne vouloit point de moi, que Je ne puis rien faire, et que Si Je continue de me meler des affaires Je mexpose a etre acusé de tout ce qui se pouroit decouvrir par la mauvaise foy, ou imprudence des autres, Jeerivis de Boulogne au Roy que Je voyois le Duc prevenu contre moi, que Javois peu de Santé, et que Je me retirerois dabord quil ni auroit plus d esperance bien fondée de succes. S M parait aprouver mon dessein, ne si oppose nullement, ne montre pas dEnvie que Je continuasse mes services, ni ne sofre pour conseiller au Duc davoir quelques Egard pour moi, il m'ecrit cependant non seulement avec politesse, mais même avec Bonté, Je vins dans ces quartiers ci pour Etre plus a portée de recevoir des avis des amis dans le pais, et Encore continuer mes Efforts de rendre Service si Je pouvois, Jay transmis fidelement les relations qu'on ma donné et Jetois pret nonobstant tout ce qui sest passé de retourner en france si on auroit peu donner a tems ce que Notre parti demandoit, car Je ne conais qu'eux qui puissent bien Juger la dessus, mais comme Laffaire est visiblement sans ressource, et que Jai la permission de S.M., Je me retire pour toujour des affaires pour voir si Je pourai retablir un peu ma santé delabrée: adieu Je vous embrasse de la plus tendre amitié, et vous suis fidelement attaché pour toute ma vie

Je vous prie de montrer celle ci a la Venue, et a Notre marchand dhuile quant vous aurés Locasion,

Aix la Chapelle may 30e 1746.

Endorsed: Copie Aix la Chapelle 1746.

II

Je vous ai donné copie de quelqu'es raisons de ma retraite de toute affaires apres lannée 1745, mais Je ne vous les ai pas données toutes : il y avoit Longtems que Je voyois le parti attaché a la maizon Stuart destiné selon toutes les apparences a n'ctre que le Jouet des Princes etrangers particulierement De la france, Levenement en 1745 me confirma en cette opinion :

en espagne bien des années auparavant, Je savois que Patiño, ministre habile, avoit declaré a un de mes amis, qu'il ne penseroit Jamais a retablir la famille Stuart, mais qu'en cas dune rupture avec Langleterre, il armeroit, et feroit semblant darmer, des escadres dans les ports de Loccean, qu'il feroit marcher vers ces ports les Irlandois, qu'il y enveroit Le Duc Dormond, et moy, que par la il tiendroit en allarme les anglois, Les obligeroit a envoyer des fortes escadres a croizer sur ces ports, a avoir bien des vaisseaux en mer a grand fraix sans la moindre utilité, et qu'il risqueroit rien, ce projet fut en partie executé en 1740, l'espagne fit semblant dun armement en Galice, fit venir Davignon le Duc Dormond, et moi de Valence, a Madrid. les Irlandois devoint marcher vers ces mers, Lartillerie, les armes, La Munition, Les Pontons, enfin tout ce qu'il falloit pour un debarquement en angleterre y etoit preparé : Le general Dartillerie donna la Liste au Duc Dormond de tout le train. Je savois que tout etoit faux, qu'il ni avoit nul preparatif. mais Je savois certainement qu'on fezoit a Barcelone des preparatifs, qu'on avoit fait passer peu a peu a la Sourdine Soixante pieces de Canons a mayorque, et qu'il y avoit une Escadre de Vaisseaux a Carthagene a portée d'aller escorter de Barcelone a minorque des troupes. Je ne doutois plus alors (ni a present non plus) que le dessein veritable etoit dattaquer Portmahon, pendant qu'on attiroit toute Lattention des anglois vers La Coruña et Ferol, ou la Cour ordonna au Duc Dormond, et a moi d'aller sans perte de tems : J'avertis le Duc Dormond de mes Justes soupsons, Je lui representai que nous n'etions pas des aventuriers venu au service d'espagne

pour nous y devouer, que nous y avions ete appellés dans le tems Dalberoni pour une expedition que nous crumes en faveur de notre Patrie, et que nous n'etions nullement obligés a Servir l'Espagne Contre La Patrie, et faciliter la prise de port Mahon, que Je n'irois pas en gallice, qu'il falloit dire au Ministre Due de Montemar, que Jusqu'es a ce que tout fut pret, il ne convenoit pas que nous fussions en gallice, qu'il donneroit Lallarme, et attireroit des escadres angloises a Bloquer ces deux ports. Le ministre pressoit notre Depart, et nous declarames que sil insistoit Plus la dessus, nous demandions nos congés, et des passeports pour nous retirer du service d'espagne : on nous pria de rester, et on ne parla plus de l'expedition de Galliee. Larrivée des Vaisseaux anglois dans la Mediterannée rendit Lattaque de Portmahon impossible :

Le Duc Dormond retourna a avignon, Je restai a madrid: au bout de qu'elque tems, on me parla dun seeond projet, celui dune deseente en ecosse (ou dabord aprés) et qu'en même tems la franee enveroit en angelterre un corps de Troupe, ce projeet venoit De la france. J'avois des ordres de Rome de Consentir en tout ee que lespagne, et La france Concerteroint ensemble. Je representai (inutilement a La verité) eombien peu on pouvoit se fier aux promesses De la franee, qu'elle avoit trompé L'espagne dans l'expedition qu'elle avoit eneouragé l'espagne a faire, pour un transport De troupe en Italie, assurant l'espagne que ees troupes etoint pretes aussi bien que les vaisseaux a marseille, et a Toulon, l'espagne fit une tres grande Depence pour l'expedition, et qu'ant tout fut fait, la france ne voulut rien faire, ni n'avoit Jamais fait le moindre preparatif ; Je fis souvenir a Rome de la fasson que la France avoit Joué les Polonois, et Stanillas, et qu'on ne pouvoit se fier aux promesses de Cardinal de fleuri. Je representai qu'il y avoit moins de risque de faire tout Larmement d'Espagne, qu'un en espagne pour Lecosse, un autre De franee pour L'angleterre ; que l'espagne avoit des troupes sufisantes, et des vaisseaux; que Largent, par le derangement des finanees manquoit ; que Le Cardinal De fleuri eut fourni Largent ; que S'il refusoit il nagissoit pas de bonne foy. que pour

ma part J'irois comme oficier espagnol ou le Roy M'enveroit ; S'il m'envoyoit en ecosse, Je dirois a tout le Monde de ne pas se remuer Jusqu'es au debarquement des francais en angleterre ; apres cette Declaration nette, que Je fis, Je n'entendis plus parler, ni des français a passer en angleterre, ni dexpedition en ecosse, Les grands ministres que nous avions en france, et qui servoint les François a fournir des projets etoint Mr daniel obryen, Ld Sempil, et Mr Macgregor De Balbady.

J'eus peu de tems aprés de qu'oy me laisser milles Doutes, si Je l'avois Jamais eu, de la mauvaise foy du vieux Cardinal, quoi que cela naye point de rapport au sujet dont Je parle : Je le mettrai ici pour montrer la fourberie des Deux Pretres, et des Ministres.

Etant retourné a Valence Je receus une Lettre de Don Sebastian delaquadra ministre du Roy d'espagne, m'ordonnant au nom du Roy d'Ecrire a mon frere que le Roy ayant receu la Lettre par laqu'elle il demendoit a r'Entrer au service d'Espagne : S. M. avoit accordé sa demande, et qu'en consequ'ence Je Devois Ecrire a mon frere que le Roy L'avoit receu a son service, Jetois dans letonement, Je Soupsonnois qu'elque chose, sans pouvoir rien deviner, Je repondis a M. Delaquadra, Le priant de presenter au Roy mes remercimens, et ceux de mon frere, de la grace que le Roy venoit de lui accorder ; mais que comme m'on frere n'avoit Jamais eu Jusqu'es alors rien de secret pour moi, il falloit qu'il eut des raisons bien fortes a ne pas hazarder a faire decouvrir son dessain de quitter le service de Russie ; que Je ne pouvois lui Ecrire la dessus par le Courier ordinaire ; que Je priois Donc Mr Delaquadra, de faire savoir a mon frere la grace que le Roy lui avoit fait par le même canal que mon frere avoit pris pour la demander : Laquadra me fit reponce, qu'il ignoroit cette affaire entierement que Cetoit *un oficier del Embassador de Francia* ; C'est a Dire que tout venoit de lembassadeur De France, mon frere decouvrit dans la suite, que cetoit un dessain formé par le Cardinal De Fleuri, de Concert avec les Suedois, de rendre suspects aux Russes mon frere qui dans labsence du marechal De Lasci comendoit Larmée

Russe ; de le faire arreter ; et dattaquer les Russes en labsence de Lasci, et de mon frere : les Suedois esperoint aussi de faire arreter comme gens suspects, Les generaux Stuart, Broun, et autres oficiers etrangers de Distinction, la Lettre auroit ete inteceptée ; et le project, Si Je lavois ecrit auroit probablement reussi. Les Russes sont si Jaloux des etrangers, qu'ils avoint voulu assommer tous les etrangers dans ectte armée, M^r^ Nolken ministre dc Suedc alors a Petersbourg, avoua toute cette trame a mon frere dans la Suite ; lembassadeur de france Etoit LEvequc de Rennes.

Nos affaires resterent dans Linaction Jusqu'en 1743, que se fit un armement a dunquerque. Si la france etoit de bonne foy alors, ou non, Je nai Jamais peu former un Jugement a me satisfairc. on fit une grande depence, ont fit embarquer environ neuf mille hommes, Lecomte De Saxe devoit commender, Les ordres necessaires furent donnés aux troupes, aux Ingenieurs &^a^, Cela me fezoit croire qu'on etoit de bonne foy, de Lautre coté Je sçai que Larmement de Lescadre de Brest avoit ordre dintercepter (qu'oi que la gucrre n'etoit pas declarée) un convoy de navires qui sortoint de L'engleterre, vous mc dirés, Larmemcnt dc Brest eut une double destination, de prendre La flote marchandc, et de couvrir l'expedition de Dunquerque, soit ? mais que Dirc de ce qu'on fit vcnir de divers ports les vaisseaux pour embarquer les troupes, pendant qu'il y avoit dans le port de Dunkuerkue des petits batimens sufisans pour embarquer 14,000 h^s^, qui etoint bien plus propre pour un debarquement, les autres qui etoint trop grands pour rester dans le Port, furent obligés de rester a la Rade, et donnerent de bonne heurc L'allarme, ils cchouerent par une tempete : la france donna au Prince Edouard 20,000 Livres pour ses Equipages, son voyage, ses aides de camp &^ca^ ; cela fut bientot depencé, il envoya au comte de Saxe lui faire savoir qu'il n'avoit plus dargent, Le Comte lui dit qu'il n'avoit pas dordre de lui en fournir, que sa bource a lui etoit a son service : Le Comte avoit De la cour De france un ordre sur Fitz gerald & compagnie a Londres pour fournir au Prince Edouard de largent qu'ant

on seroit a Londres, eeei est vray, qu'oi qu'il parait trop absurde ; Je doute qu'on eut si peu menagé Le prince, si reellement on eut pensé a faire un debarquement : le Ministre de Franee, le Jour avant que Je fus envoyé a Dunquerque (ear Jusqu'es alors le Seeret me fut gardé) me dit d'aller ineognito sous un nom emprunté ; mais d'avoir soin eependant de laisser savoir qui J'Etois : Si on m'avoit envoyé qu'elque tems avant l'expedition, J'aurois cru qu'on auroit vouleu donner l'Eehange aux anglois, et leur faire defiler des troupes vers l'Eeosse, mais Je ne fus envoyé a Dunquerque que deux Jours avant que L'expedition devoit partir de la Rade.

Dans une Lettre dont vous avés eopie vous avés veu les raisons de ma retraite : en 1746 Je fis ma Demission en Espagne pour n'Etre pas dans le cruel Embaras de refuser a servir l'Espagne en ee qu'elle voudroit, pendant que Je Jouissois de sa solde, ou d'etre instrument a (tool) a servir la Franee ou l'Espagne contre ma Patrie, Je eroyois qu'en me retirant en Russie, que Je vivrois le reste de mes Jours tranquilement avee mon frere, le Prinee eantemir, mon ami, a qui J'avois dit franehement mes raisons de retraite, massuroit que Je serois bien venu en Russie, Le Comte Voromsoff me lassuroit aussi. J'avois de qu'oi vivre dans lukraine, et non ailleurs, ma fortune eonsistoit dans une rente Viagere d'Environ Cent et vingt Livres Sterling : Mylord hindford se mit en Tete, Dieu sait surqu'oy que Je venois cn Russie comme un espeee de ministre a travailler contre sa eour, Je Crois qu'il me regardoit eomme un Emissaire, *Du Diable, Du Pape, et du pretendant,* le fit croire a la Cour de Russie : elle me refusa la Liberté dEntrer en Russie, cc qui fut eause que mon frere quitta ee Serviee, moi Jc me retira pour finir mes Jours a Venise, ou Je reeomençai de recevoir ma Pention du vieux Chevalier de Rome : ear qu'ant Je pris ma resolution de quitter toute affaire, et aller vivre dans lukraine, Je la pris de ne plus rien recevoir de eeux que Jc n'avois plus envie de servir, et eetoit lui qui me fit dire a Venise, qu'il y avoit quatorze mois dc m'a pention Deue, et qu'il avoit ordonné de me les faire remetre,

Larrivée de mon frere a Berlin mi fit aller ; Les Bontés du Roy (Bontés que Je n'avois pas sollicitées ni même auxqu'elles Je n'avois Jamais pensé) me firent Entrer a son service. il m'Envoya a Paris : Je vis la necessité de ne plus penser aux affaires du Jeune Chevalier ; il vint a Paris pendant que Jy etois ; Je le vis deux ou trois fois. il avoit des conscillers qui lui proposoint des choses si absurdes, que Jai casi moi même, paine a croire qu'elles pouvoint entrer dans une Tete. un de ces beaux projects : Etoit : depouser une princesse Dangleterre, D'avoir pour dot 14,000 h^{s} une Escadre de Vaisseaux, et d'aller se faire empereur du Perou, il avoit aussi un autre projet impraticable, qu'oi que pas si absurde, il le proposoit a qu'elqu'es uns du parti en angleterre, eux le r'Envoyerent a avoir mon aprobation, moi Je rejetta a eux la Balle, enfin Je fus pressé de Dirc mon opinion ladessus, Je le fis : *en disant que Je le croyois aussi impraticable que de prendre la Lune avec les Dents*, cela ne lempecha pas d'envoyer des gens pour poursuivre le projet, et de leur dire que c'Etoit par mon avis, et selon mon aprobation, c'Est ce qui etoit bien eloigné de la verité : Le pauvre Cameron fut pris, et pendu

La conduite du Prince Edouard n'avoit nullement plû depuis qu'elque tems aux gens les plus sages de son parti ; en engleterre, entre autres choses, on trouvoit a redire une maitresse qu'il fesoit toujour marcher avec lui partout, on craignoit que cela pouroit facilement le faire decouvrir, Et le faire tracer dans ces retraites : sa maitresse avoit une Soeur a la cour d'angleterre, cela donna ombrage a bien des gens, qui craignoint qu'elle ne decouvrit a sa Soeur les secrets de son amant : Je suis persuadé que ces Craintes etoint Injustes, mais dans sa situation Infortunée il auroit eté prudent d'Oter tout Soupson, en eloignant toutes les ocasions qui auroint peu en faire naitre, la fille même y auroit donné volontier les mains, etant bien malheureuse avec lui ;

On envoya lui representer d'angleterre cc qu'on croyoit le plus convenable a sa situation presente, et particulierement ont lui conseilloit de mettre sa maitresse dans un

couvent avec une pention convenable, on l'assuroit qu'on embrasseroit toutes les occasions pour ses interets, et son retablissement. La personne choisie pour lui porter les sentimens des chefs de son parti (dont deux des Principaux etoint le Comte de Wistmorland, et le Dr King) celui ci ctoit un homme dont le Prince Edouard avoit la plus haute opinion, il me la dit lui même quinze Jours avant son arrivée a Paris ; il Sadressa a moy par ordre de ceux qui lenvoyoint, car comme ils avoint conceu une opinion que le Prince etoit peu traitable, ils doutoint que leurs remonstrances auroint aucun effet, ainsi ils dirent a leur Envoyé de me consulter, sil faudroit lui parler, ou non, mon avis Etoit qu'il falloit lui representer les Sentimens de Ses amis en angleterre, Je lui dis même que J'etois persuadé qu'il Se Conformeroit a leurs avis, qu'il Mettroit dans un Couvent Sa maitresse, que Sil Etoit veritablement amoureux, il y iroit peut etre Lavoir, ou la retireroit dans la suite, mais qu'il donneroit a ses partisans la satisfaction de la mettre une fois dans le Couvent :

Je trouvai Lenvoyé un homme doux, poli, de grand sens, et probité. il exposa au Prince le message dont il etoit chargé, en lui disant, par introduction quil etoit sansible, que le message etoit desagreable, qu'il S'en Etoit chargé par Zèle, et par devouement pour Son service, au risque de Sa vie, puisque C'etoit de la derniere importance que le Prince fut instruit des sentimens de ses partisans. qu'ant il fit la proposition de m'Etre La maitresse dans un Couvent, le Prince lui dit, qu'il ne r'Enveroit pas un Chien de Sa maizon pour eux tous, et qu'il N'avoit qu'a leur porter Cettc rcponce, Lenvoyoit repondit qu'il ne S'en chargeroit pas, que Sa situation, (du Prince) etoit malheureusement Telle qu'il devoit par prudence menager Scs amis, que s'il n'avoit rien a lcur demander, il pouvoit ne leur rien accorder mais qu'il netoit pas dans ce Cas, lenvoyé usa tous les argumens possibles pour adoucir le Prince, il lui mit devant les yeux lcs risqucs que Ses amis avoint couru pour Son service, qu'ils etoint pret a le Servir aux risques de leur Vies Si une bonne occasion Se presentoit, qu'en attendant leurs Bources lui ctoint ouvertcs ; que Sans eux il ne

pouvoit Jamais rien faire ; que Sils venoint a Se degouter il seroit Sans ressource, que Si il ne les contentoit pas dans cette occasion, ils ne penseroint Jamais plus a lui ; il retourna a plusieurs reprises pour tacher de Lamolir, toujour inutilement. Le prince avoit aupres dé lui Mr Goring, un des braves hommes qui aye Jamais Eté, et qui l'avoit Suivi fidelemcnt par tout ; aprés le depart de l'Envoyé, le Prince en parlant de Ceux qui l'avoint ' envoyé dit ; *qu'ils Etoint un tas de miserables, qu'il etoit* ' *bien aise d'avoir leur noms qu'il Les enverroit en engleterre,* ' *et les feroit tous pendre,* qu'ant goring (qui Etoit un peu ' Jacques Rosbiff) entendit cela : il lui dit : monseigneur, ' Jai bien soufert depuis que Je suis auprés de votre altesse, ' mais par Dieu ceci passe tout, il ni a pas un Voleur de ' grand Chemin dans mon pais capable dune pareille pensée ; ' Je me retire, Je ne puis plus rester aupres de V.A.: il Se retira en Effet, entra au service du Roy de Prusse, et mourut peu de tems aprés

Moi Jecrivis au Prince pour lui dire, que s'etant brouillé volontairement, et ayant trop maltraité tous ees amis que Je Connoissois en angleterre, il mEtoit impossible de le plus servir ; Je me Suis forcé de lui Ecrire, puis que autrement il m'auroit appellé au premier projet que le desespoir lui auroit mis en Tete, et Sur mon refus il auroit dit que Je L'avois trompé, Cest pourqu'oy Je lui fis savoir qu'il ne devoit plus Compter sur moi, tous ces amis en angleterre renoncerent de bonne foy au Jacobitisme, Le Prince tacha de relier avec Eux, ils ne voulurent plus l'Ecouter, le Dr King, a qui il sadressa, lui repondit, *qu'il ne pouvoit plus le Servir, Et que Sil le pouvoit il ne le feroit plus* ; on a tort Si ont croit que le Ministere dapresent a Introduit des Jacobites dans les affaires du Roy ; il y en a qu'ils furent de cette classe, mais aujourdhui ils en Sont les plus Eloignés

Peu de tems apres Cette scene, entre le Prince, et lEnvoyé, Je rencontrai a la promenade Seul Mr H. homme Celebre autant par Sa probité qu par un Livre *d'esprit* ; il avoit cté un partisan du Prince Jusqu'es a lEntousiasme ; Je le savois ; Qu'oi qu'il ne m'avoit Jamais rien dit, et que le Prince Logeoit en secret Chez lui, nous nous prome-

names ensemble ; Je fis tomber la Conversation Sur le Prince Edouard : H. me dit, *mylord Je nay pas envie de vous tromper, ni ne Crois pas me tromper moi meme, il y a qu'clque tems que Je serois allé a la Potence a le Servir, a present, Je ne donnerois pas une piece de Six Sols pour le tirer du fond de la Riviere,* il avoit entendu Son Discour dun Tas de miserable &ca

Comme Je ne voulois plus Servir le Prince Eduard Je ne voulus plus Ecouter ces propositions de renouer avec luy ; Je nc pouvois plus, qu'en même Jaurois Voulu puis qu'il avoit rompu a Jamais avec ceux de ses amis que Je connoissois en Engleterre

Je restai tout a fait detaché du Chevalier, et de ses enfans, comme aussi de la famille Dhanovre, ne pensant, a rien que de Vivre bon Prussien. le Roy De prusse un jour en passant me prit par la main, me tira a une fenetre, et me dit, *Je veux arranger vos affaires, Je repondis, Je vous prie sire de ne pas seulement y penser, vous les avés deja tellement arrangées que que Je Suis riche, Je nai besoin de rien, il me dit Jc vois que vous ne m'Entendes pas, cest vos affaires chez vous que Je veux arranger, et J'en ai deja fait qu'elqu'es pas; Je lui rendis mes remercimens, Voila Comme Jai Eu ma grace,* le Roy de Prusse croyoit que les biens me revenoint en consequence du Pardon.

appendix

Lan 1745 : Je n'Etois pas plus au Secret que l'an 1743 ; Cependant comme Je Vis beaucoup, et que Je fus instruit par des autres, Je vous ferai une Courte relation : J'Etois a Avignon qu'ant Je rceus du Prince Edouard (apres son Embarquement) une Lettre, M'ordonnant d'aller a la Cour de france Solliciter des Secours, et puis de le Joindre en Ecosse. Je fus a Larmée Campéc a Liploc, ou Etoit le Roy. Je me fis une Loy de Suivre tant que Jc pouvois, Les avis des principaux du parti en Ecosse. J'avois des Lettres de plusieurs, qui demendoint un corps Considerable de troupe, Dc largent, des armes, dc la Munition, et qui disoint qu'a ces conditions ils etoint prets a se declarer, ajoutant,

mais Si V.A. entreprenoit qu'elque demarehe precipitée, et mal eoneertée, vous ruineriés a Jamais L'interest de votre maizon, et tous vos amis, ees Lettres arriverent en franee, trois semaines avant le depart du Prinee, et eomme il N'auroit pas osé poursuivre Le projet ou on L'avoit engagé, Sil avoit veu ees Lettres, on ne permit pas au porteur de ces Lettres. de les lui rendre, ni de le Voir, qu'oi qu'il venoit de la part des prineipaux Seigneurs du parti en Eeosse. Je demandai a ce gentilhomme S'il savoit ee qu'on entendoit par un eorps *Considerable*, il me dit, qu'ils demandoint 10,000 h^{s} ; Je me reglai la dessus, et Je demanda au ministre de Franee 6,000 ; il me fit tant de mauvaises exeuses, que Je ne voyois pas daparanee de reussite.

Mon Cousin M. Ld Jean Drummond, Et Lord Scmpil me presserent d'Eerire en Eeosse les assuranees de la bonne foy de la franee, et qu'ils seroint puissament soutenu ; ils L'avoint eux mêmes deja eerit, et me dirent que Lambassadeur d'Espagne, Et le Due De Bouillon Lavoint aussi eerit en Eeosse, Je leur repondis que Comme apparemment ils avoint Ecrit ce qu'ils eroyoint, Je n'avois rien a dire La dessus ; que si Lembassadeur d'Espagne avoit Ecrit des assurances dc la part de Sa Cour cela seroit de poids, mais son opinion de la part des français, et de leur bonne foy, n'avoit pas plus D'authorité que d'un particulier ; que le Due Debouillon etoit un Tres honnete homme, mais Nullement instruit, ni eonsulté, que pour moi J'etois tres persuadé que la Franee Nous trompoit, et qu'ainsi Je ne pouvois pas Eerire en Eeosse pour eneourager les amis que Je pouvois y avoir, a ee saerifier au Interets de La franee

Pendant que J'Etois a Larmée de France, arriva M. L Clanearty. un pretre nommé Croix avoit assuré de la part Dc la Franee, les partisans de la Maizon de Stuart en angleterre, qu'outre lexpedition en Ecosse, il y avoit 10,000 h^{s} avee armes, aMunition &^{ca}, prets a mettre a la Mer : M L^{d} Vint pour leur servir de Pilote etant homme de Mer. Je le conduisis ehez le ministre Dargenson, qui lui dit Dabord, que tout ce que Laeroix lui avoit dit etoint

des Mensonges, et que La Croix n'Etoit authorisé en rien, m. L^{d} qui est fort vif, se facha : Se fut se plaindre au Due De Richelieu ; qui lui dit, que *Diable voulés vous qu'on fasse dune pareille Bette* (*parlant du ministre*) *il ne sait ce qu'il dit, Je vai lui parler* ; effectivement laprés Disné qu'ant Je retournai avec M L^{d} chez le ministre nous le trouvames tout changé. il accordoit tout, a la verité le tout n'Etoit pas encore pret, mais on le preparoit en diligence ; Je Crois qui Si M. L^{d} auroit demandé Cent mille hommes et Cent Vaisseaux de Guerre ont les auroit promis ; M L^{d} vouloit Se retirer vers les frontieres De france, et s'y tenir pret pour revenir aussitot que tout seroit preparé pour lembarquement. Le ministre Le pressa a rester a Larmée, il ne le vouloit pas, on le fit venir peu de tems apres sous divers pretexte, on ne lui permit pas de rester inconnu ; on rendit son sejour a Paris publie, La france esperoit En fezant semblant dune expedition en angleterre, d'y faire retourner de la flandre les troupes angloises :

Je revins a Paris sous pretexte de Consulter avec Maurepas, envoyé par le Ministere de France, sur les moyens de faire passer les 6,000 h^{s} en Ecosse, mais en realité pour etre quitte de Moy. Javois proposé au Ministre d'apeller M^{r} De Bart habile marin pour le Consulter, il ne le voulut pas : Debart Etoit a Dunkuerkue ; peu de tems aprés que Je fus a Paris le Due D'York y arriva, il Ecouta, il se laissa conduire par M^{r} daniel Obryen, et madame, qui valoint Encore moins que L^{d} Sempil, et Macgregor, on ne peut Croire, les absurdités, et les mensonges, qu'on disoit, et fezoit, on faisoit des Imprimés pour encourager les Jacobites, relever les actions du Prince Edouard, et faire gagner qu'elqu'es Sols au Suisse de M^{r} obryen, un de ces imprimés Contenoit une Relation de six Cens oreadiens qui avoint Joint le Prince, ils etoint presque de Taille de Geans, ils etoint habillés de Peaux de Loups, et Dours, ils parloint une Langue inconnue aux autres hommes, leurs Mines Etoint Terribles, ils etoint armés de haches Enormes, chaque homme avoit deux Dogues *auxiliaires*, ils furent Detachés avec un autre Corps sous les ordres du Due De Perth, ils tomberent de Nuit Sur les hollandois, les massa-

crerent, et les devorerent Casi tous, Je me suis servi easi mot a mot des termes de Lillustre Ecrivain suisse, le Due Dyork mavoit dit que son frere a laffaire De Prestonpans avee 15,000 h^{s} ; on ne pouvoit mimposer la dessus si grossierement, mais on me força de me taire, Je disois eependant qu'elqu'es fois, que nous devrions dire les ehoses au Juste a la France ; que si Elle etoit de bonne foy, eomme on pretendoit, il falloit dire La verité ; pour qu'elle prit les mesures Justes ; que Si elle erut que le Prinee avoit deja 15,000 h^{s} : La franee eroiroit avec raison qu'il n'avoit guaire besoin de secours ; qui Si la franee n'etoit pas de bonne foy, nous ne la ferions pas ehanger en notre faveur en disant des faussetés toujour, qu'ant Je les pressois, ils me repondoint, il faut engager La Franee subtilement (draw in) Je repliqu'ois vous pourrés engager trop loin nos amis, mais vous ne pourrés Jamais engager la Franee plus loin qu'a une Guerre ouverte, elle y est, elle faira ee qu'elle Jugera a propos de ses Interets

On preparoit lexpedition de Boulogne sur mer. Le Due De york mappella un matin, me dit qu'il alloit partir pour Bologne le jour même, et que J'eussc a le Suivre le Lendemain ; Je lui representai, qu'il alloit donner tres mal a propos L'allarme, que lexpedition ne seroit pas prete en Dix Jours. J'avois beau parler, il ne m'eeoutoit pas, il me dit que la Cour de franee le Vouloit, qu'il falloit y aller, elle le fit aller a Dunquerque pour donner Lallarme plus Vite. Le canon, amunition, &^{ca} devoit aller de Dunquerque a Boulogne, bloquer Dunkuerkue, etoit Bloquer Boulogne ; le lendemain de son arrivée, vint deux fregates angloises croizer devant dunquerque dont S.A. se rejouit beaueoup ;[a] La vcue de la franee etoit de faire repasser La Mer aux troupes angloises en flandres pour faeiliter les operations de la Guerre dans ee pais, et particulierement le Siege de Bruxelles. La raison Sur laqu'elle La Cour de France avoit preeipité le depart du Duc D'york De Paris,

[a] Pendant que le Duc De York etoit a Boulogne, il fit une neuvaine a une vierge qui y etoit venue Jadis dans un petit Bateau, Surq'oy L^{d} Canclarty, me dit, Je ne sai si cest un moyen d'aller en paradis, mais par D—— Ce n'est pas le moyen D'aller a Londres ;

Etoit, que le tems s'etoit mis a la Gelée forte, on esperoit pouvoir marcher vers Bruxelles la grosse artillerie pour lattaquer, eela etoit visible a ceux qui vouloint voir, ear le même Jour qu'on fit partir le Duc D'york, tous les oficiers eurent ordre de rejoindre Larmée Du mareehal de Saxe en flandres. pendant que nous etions a Boulogne La Franee avoit envoyé Secretement a Londres, pour taeher d'Engager l'engleterre a une neutralité : Je Crois bien que le Due de Richelieu auroit Vouleu passer la mer pour avoir Le Baton de Mareehal, et aller a Londres S'il auroit peu, Les français a Boulogne se demandoint qu'elles eontributions on pourroit Lever de la Ville de Londres. on eomtoit sur Cent millions. Cela Etoit bon pour les Français, et peut etre pour qu'elqu'es uns de leurs pentionaires, mais n'etoit guaire agreable a Moy, qui n'etois ni Lun ni Lautre ;

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REPORT OF THE FORTY-SIXTH ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY

The Forty-Sixth Annual Meeting of the Society was held on Saturday, 10th December 1932, in Dowell's Rooms, George Street, Edinburgh,—Mr. John Buchan, C.H., M.P., LL.D., President of the Society, in the Chair.

The Report of the Council was as follows :—

During the past year 8 new members have joined the Society, while it has lost 33 by death or resignation. The membership now stands at 606 (including 130 libraries), as compared with 631 a year ago—a net decrease of 25. While the Council recognise that some diminution of numbers was to be expected under present conditions, they would remind members that further resignations must hamper its work of publishing the materials for Scottish history, the cost of which is met only by their annual subscriptions. They again emphasise the need of obtaining additional members, if the work of the Society is not to be restricted.

The second volume of the *Warrender Papers* has now been completed, and is in course of issue to members for the year 1931-1932. The contents of this, which is the hundredth volume published by the Society, cover the period 1587-1603 and are of great historical value, both for appreciating the personality and 'king-craft' of James vi. and for understanding the foreign policy of Scotland in a time of tortuous

diplomacy. The Society has been fortunate in having Principal Rait and Miss Annie I. Cameron, Ph.D., again as editors. Sufficient material remains among the Warrender MSS. for further volumes which will throw light on the ecclesiastical policy of James VI.

The *Flodden Papers*, edited by Miss Marguerite Wood, M.A., Ph.D., are in the press, and will be issued shortly as the second volume for 1931-1932. The documents contained in it will prove a valuable addition to the knowledge of the diplomatic background of the campaign.

The Council propose to issue for 1932-1933 a volume of *Highland Papers* edited by Sheriff J. R. N. Macphail, and *Miscellany Volume V.* The former will include histories of the Macleays and of the Campbells of Auchinbreck, writs from the Strachur charter-chest and from the Vatican archives relating to the West Highlands, as well as a number of documents from various sources. In the latter will be a portion of Bagimont's Roll transcribed at the Vatican by Miss Cameron; some further charters from Sir William Fraser's transcripts, to be edited by Mr. Angus; Jacobite documents from the Avignon archives; Marchmont Correspondence relating to the '45; Lauderdale Correspondence; two letters of Earl Marischal Keith; and other matter.

In a future year the Council hope to publish, in addition to those volumes already announced, a collection of Wodrow's early correspondence, which is among the MSS. of the University of Edinburgh. The letters cover the years 1698-1708, and deal not only with various matters of scholarship, but with the chief topics of the time.

The state of the Scottish records continues to cause the Council grave anxiety. During the last session of Parliament the President of the Society and others raised this matter in the House of Commons, and a deputation from the Conven-

tion of Royal Burghs was received by the Scottish members. No satisfactory steps, however, have yet been taken by H.M. Government to improve the lamentable conditions of storage and classification, which still prevail. The Council would urge that at least the custom of issuing an annual report on the records, which is still maintained in England and Ireland, should be resumed. They reiterate their opinion that additional staffing and improved cataloguing are urgently needed.

The Council have to record with deep regret the death of Sir Bruce Seton, Bt. of Abercorn, C.B., who was for many years a prominent member of the Society, and who rendered valuable and untiring service both as an editor and as a member of Council. The three large volumes of *Prisoners of the '45*, which he compiled in collaboration with his daughter, Mrs. Arnot, are in themselves a monument to his zeal and energy in the cause of Scottish history.

The members of Council retiring by rotation at this time are Dr. W. K. Dickson and Dr. W. A. Macnaughton. The Council wish to place on record their appreciation of the services of Dr. Macnaughton, who, to their regret, finds himself compelled to retire, for reasons of health and distance from Edinburgh. They recommend that Dr. Dickson be re-elected, and that Mr. R. L. Mackie of Dundee Training College and Mr. David B. Morris, Town Clerk of Stirling, be elected in place of Dr. Macnaughton and the late Sir Bruce Seton.

An abstract of the accounts for 1931-1932 is annexed, showing a credit balance of £891, 0s. 7d. at the end of the year.

The adoption of the Report was moved by Lord Sands, who referred to the centenary of Sir Walter Scott as the most memorable matter in relation to the history of the past, so

far as Scotland was concerned, which had occurred during the year. Dr. MacLehose, in seconding, expressed the gratification of members that the Society had completed its hundredth volume.

Mr. Buchan, in speaking to the Report, commenced with a reference to the works published on Scottish history during the year. After alluding to the Society's two volumes, *Warrender Papers*, Vol. II., and *Flodden Papers*, he went on to mention Mr. Henry Hamilton's *Industrial Revolution in Scotland* as one of the most important works ever issued on Scottish economic history. Dr. G. P. Insh in his *Company of Scotland*, compiled largely from the papers of its treasurer, James Balfour, had explained fully for the first time the tangled affairs of the Darien Company. He mentioned also the posthumous second volume of the late Dr. David Murray's *Early Burgh Organisation in Scotland*; Professor J. D. Comrie's *History of Scottish Medicine*; Dr. Marguerite Wood's *Lord Provosts of Edinburgh*; Dr. W. Mackay Mackenzie's *The Bannockburn Myth*; Mr. J. Storer Clouston's *History of Orkney*; and Sir Charles Petrie's *The Jacobite Movement*. Works which had an important bearing on Scottish history were the two Scottish Dictionaries edited by Sir William Craigie and Mr. William Grant, of which the first parts had appeared. Lastly, in the second volume of Professor George Trevelyan's *History of England in the Reign of Queen Anne* would be found the most vivid account of the Union of 1707 which had yet been written. Few would be found to differ from his sober and balanced judgments of the character and achievement of the protagonists.

Mr. Buchan went on to speak of the state of the Scottish national records, which even in the early eighteenth century was recognised to be unsatisfactory and grieved the patriotic soul of Duncan Forbes of Culloden. When Lord Frederick

Campbell, in 1768, became Lord Clerk Register, he attempted a policy of reform, and something was done about the close of the century, with the assistance of great scholars like Thomas Thomson. A Select Committee of the House of Commons was appointed to inquire into the public records of both England and Scotland, and a valuable report was issued in 1800. An Act of Parliament in 1809 provided certain safeguards for the Scottish records in the way of annual reports on their condition, but it did not appear that its recommendations were seriously carried out. Then, in 1879, an Act was passed which for all practical purposes abolished the office of Lord Clerk Register, and his jurisdiction passed to the Treasury and to the Home Office. By the end of the Great War the Deputy Clerk Register had also disappeared, and the care of the records was put in the hands of the Scottish Office. Since then there had been endless deputations urging reform, but no effective steps had been taken. As far back as 1884 the Convention of Royal Burghs petitioned on the matter, calling special attention to the Historical Department of the Register House, but without result.

In 1925 a Committee, under the chairmanship of Sheriff Wark, was appointed to inquire into and report on the condition of the Sheriff Court records, a most important section, which was scattered up and down Scotland, and was often very ill housed. The Committee recommended that all the Scottish records, including those of the Sheriff Courts, should be brought into one centre, and that a Record Authority should be appointed, with jurisdiction over all the public records of Scotland. No action had been taken upon that Report. Last summer the question was raised in the House of Commons, and Sir Archibald Sinclair, who was then Secretary of State for Scotland, promised to have a reconnaissance made of the state of the records, with a view to their proper

preservation, and to the making of them more accessible to scholars. The points which were pressed in that debate were —first, that owing to neglect a considerable part of the older records were in danger of perishing altogether; and, in the second place, that since there was no proper cataloguing or calendaring, it was almost impossible for the student to discover what he wanted.

There the matter stood at this moment. By the courtesy of the Secretary of State for Scotland, he had been informed of the result of the reconnaissance which Sir Archibald Sinclair instituted. What struck him, in looking at the results of the reconnaissance, so far as the Historical Section was concerned, was the very great value of much of the collection. It contained material for the whole mercantile and industrial history of Scotland during the last two and a half centuries, and much invaluable matter for the study of Scottish social life, extending even to earlier times. To give one instance—the whole of the papers dealing with the Newmilns Cloth Factory were there. There was priceless material for the social history of the Highlands and Islands in the eighteenth century, and he need not point out what valuable data was there also for the study of the whole mechanism of the earlier administration of Scotland. The papers were still in sacks and old boxes, neither arranged nor catalogued, many of them coated with the grime of ages, some of them already almost indecipherable.

Even in these times of financial stress they could not afford to have an invaluable national asset lost to the country. He was informed that a comparatively small sum—something between £1200 and £2000—would at any rate permit of the beginning of the necessary work of sifting and preservation. He would like to see the old custom revived of an annual report upon the records, a custom which continued until the 'sixties, and which existed, of course, in England and Ireland.

Then the work of cataloguing and calendaring must be begun. It was no good having valuable records unless they were made accessible to the public. Finally, he would like to see a larger allowance for the work of publication, without which a Record Office had no touch with the contemporary life of the country. There was one last point which should be remembered. A Record Office should be a constantly growing department, receiving regularly documents from private collections. To-day the great estates were being broken up, and the muniment rooms of historic houses scattered. Such papers had often small commercial value, and, if sold, fetched only a few pounds, and were dispersed for ever. If they were left lying in the back offices of family lawyers, they were useless for the purposes of research. There were few more historically minded races than the Scottish people. The time had come when, as a nation, they must be more alive to the value of that branch of their heritage and, before it was too late, bestir themselves to preserve it.

The office-bearers and members of Council were re-elected on the motion of Professor Hannay, with Mr. D. B. Morris and Mr. R. L. Mackie in place of the late Sir Bruce Seton and Dr. W. A. Macnaughton.

Sheriff Macphail proposed a vote of thanks to Mr. Buchan for presiding.

ABSTRACT Account of Charge and Discharge of the Intromissions of the Honorary Treasurer for the Period from 5th November 1931 to 7th November 1932.

CHARGE.

I. Funds as at close of last Account—			
1. Sum on Deposit Receipt with the Bank of Scotland, 103 George Street, Edinburgh		£768 0 0	
2. Balance on Account Current with Do.		42 16 9	
			£810 16 9
II. Subscriptions received—			
1. Members	£484 1 0		
2. Libraries	131 5 0		
			615 6 0
III. Past Publications sold to Members			3 19 2
IV. Interest on Deposit Receipts			17 12 4
Sum of the Charge			£1,447 14 3

DISCHARGE.

I. Cost of Publications	£515 3 11	
II. Miscellaneous Payments	37 5 9	
III. Income Tax on Deposit Receipt Interest	4 4 0	
Carry forward	£556 13 8	

Brought forward . .		£556 13 8
IV. Funds as at close of this Account—		
1. Sum on Deposit Receipt with the Bank of Scotland, 103 George Street, Edinburgh .	£985 12 4	
2. Balance on Account Current with Do. do. . .	193 19 3	
	£1,179 11 7	
Less—Due to Messrs. T. & A. Constable Ltd. . .	288 11 0	
		891 0 7
Sum of the Discharge . . .		£1,447 14 3

EDINBURGH, 23*rd November* 1932.—I have examined the Accounts of the Honorary Treasurer of the Scottish History Society for the period from 5th November 1931 to 7th November 1932, of which the foregoing is an Abstract, and I find the same to be correctly stated and sufficiently vouched, closing with a Balance on Deposit Receipt with the Bank of Scotland, George Street, Edinburgh, of £985, 12s. 4d., and a Balance at the credit of the Society's Account Current with the said Bank of £193, 19s. 3d.

WILLIAM K. DICKSON.

Scottish History Society.

THE EXECUTIVE.

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5. The Society normally issues yearly two octavo volumes of about 320 pages each.

6. An Annual General Meeting of the Society shall be held at the end of October, or at an approximate date to be determined by the Council.

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